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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

TERRITORY OF KANSAS,

(5th sess

BEGUN AT LECOMPTON, MONDAY JANUARY 3D, A. D., 1859,
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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

LECOMPTON, K. T., Monday, Jan. 3, 1859.

This day being designated by the Laws of Kansas for the meeting of the Legislative Assembly, it being the fifth session of the Territory, the Hon. Hugh S. Walsh, Secretary of the Territory, appeared in the Chair of the House of Representatives at 12 o'clock M., and called the House to order.

The following gentlemen appeared as their names were called, and were duly sworn as members of the House:

1st.	DISTRICT.—	Wm. Y. Roberts,	of Leavenworth	County,
“	“	John W. Wright,	“	“
“	“	Lyman Scott,	“	“
“	“	A. M. Clark,	“	“
“	“	J. L. McDowell,	“	“
“	“	James Medill,	“	“
“	“	O. M. Marsh,	“	“
2d.	“	Luther Dickerson,	of Atchison	County.
“	“	Harrison Wider,	“	“
“	“	J. B. Irvin,	“	“
3d.	“	A. Larzalere,	of Doniphan	County.
4th-5th.	“	George Graham,	of Nemaha	County.
7th.	“	Franklin Finch,	of Jefferson	County.
“	“	Edward Lynde,	“	“
8th.	“	Golden Silvers,		“
9th.	“	Abraham Barry,	of Riley	County.
10th.	“	Robert Morrow,	of Douglas	County.
“	“	Chas. H. Branscombe,	“	“
“	“	P. H. Townsend,	“	“
“	“	Levi Woodward,	“	“
“	“	H. J. Canniff,	“	“
“	“	A. Curtiss,	“	“

10th DISTRICT.—John Lockhart, of Johnson County.
11th. " George B. Holmes, Shawnee County.
12th, 13th DIS.—Wm. Spriggs, of Anderson County.
14th, 15th, 16th DIS.—T. R. Roberts, of Bourbon County.
17th DISTRICT.—R. B. Mitchell, of Linn County.
" " A. Danford, " "
18th. " M. F, Holaday, of Lykins County.
" " Wm. Walters, of " "

Mr. Larzalere moved that the House go into a temporary organization. Carried.

J. B. Irvin was elected Speaker, *pro tem.*

C. H. Branscomb was elected Clerk, *pro tem.*

Mr. Canniff moved that a Committee of three on Contested Seats, be appointed. Carried.

The Chair appointed the following gentlemen:—Canniff, Wright, Holaday.

The House adjourned.

AFTERNOON SESSION.

THREE O'CLOCK.

The Committee on Contested Seats, through their Chairman, submitted the following report:

MR., SPEAKER:—The Committee appointed to examine the claims of certain gentlemen to Seats in this House, from Doniphan and Marshal counties, report:

In both Counties, in some of the precincts, some of the elections were held by ballot, but in all other respects formal, and undoubtedly expressed the honest sentiment of the voters.

We therefore report, W. L. Lewis, R. Graham, A. J. Allison and Thomas Stevenson, are entitled to seats in this House, from Doniphan County; and T. S. Vaile is entitled to a seat from the County of Marshall, and recommend that they be so received.

H. J. CANNIFF, }
J. W. WRIGHT, } Committee.
M. F. HOLADAY, }

Mr. Danford moved that the report be accepted and adopted. Carried.

Mr. Roberts, of Leavenworth, moved that the Clerk, *pro tem.*, be instructed to administer the oath of office to such members as had not been sworn in. Carried.

Mr. Branscombe then administered the oath to the following members:

3d. DISTRICT.—Ward L. Lewis, of Doniphan County.
" " A. J. Allison, " "
" " Thomas Stevenson, " "
6th. " T. S. Vaile, of Marshall County,
12th, 13th, 14th and 15th DISTRICTS.—L. D. Bailey, of Breckenridge County.

Mr. Wright moved that the House proceed to the election of Speaker by ballot.

Mr. Morrow and Mr. Clark were appointed tellers.

The ballot for Speaker resulted as follows:

A. Larzalere, of Doniphan, had - -	26 votes.
W. Y. Roberts, of Leavenworth, - -	8 "
Lyman Scott, of Leavenworth, - -	1 "

A. Larzalere having received a majority of all the votes cast, was declared duly elected Speaker; was conducted to the Chair by Messrs. Roberts and Scott; sworn in by the Hon. Rush Elmore, Judge of the Second Judicial District of Kansas Territory, and entered upon the duties of his office.

The House proceeded to ballot for Clerk, with the following result:

B. P. Ayres, of Linn, had - -	20 votes.
M. W. Delehay, of Leavenworth, - -	15 "
A. C. Soley, of Leavenworth, - -	2 "

B. P. Ayers having received a majority of all the votes cast, was declared duly elected, sworn in by the Speaker, and entered upon the duties of his office.

The House proceeded to ballot for Assistant Clerk, with the following result:

First Ballot—S. C. Smith had - - - 19 votes.
A. C. Soley had - - - 8 "
M. W. Delehay had - - - 1 "
P. P. Elder had - - - 9 "

No election.

Sec'd Ballot—S. C. Smith had - - - 15 votes.
P. P. Elder had - - - 16 "
A. C. Soley had - - - 4 "

No election.

Third Ballot—P. P. Elder had - - - 19 votes.
S. C. Smith had - - - 16 "
A. C. Soley had - - - 2 "

P. P. Elder having received a majority of all the votes cast was declared duly elected.

The House proceeded to ballot for Sergeant-at-Arms, with the following result:

G. F. Warren had - - - - - 23 votes.
A. W. Moore had - - - - 7 "
R. W. Eddy had - - - - - 3 "
N. B. Hopenwell had - - - - 2 "

G. F. Warren, having received a majority of all the votes cast, was declared duly elected.

The House proceeded to ballot for Door-Keeper, with the following result:

First Ballot—Absalom White had - - - 13 votes.
G. W. Smith, Jr., had - - 11 "
George Cutler had - - - 5 "
William Butler had - - - 4 "

No election.

Sec'd Ballot—George W, Smith, Jr., had - 21 votes.
Absalom White had - - - 6 "
George Cutler had - - - 3 "
William Butler had - - - 2 "

George W, Smith, Jr., having received a majority of all the votes cast, was declared duly elected.

Mr. Danford offered the following resolution:

Resolved, That A. D. Richardson be declared Journal Clerk of this House for the present session.

Adopted.

Mr. Branscombe offered the following resolution:

Resolved, That Rev. E. Nute, Jr., be declared Chaplain of this House for the present session.

Adopted.

Mr. Morrow offered the following resolution:

Resolved, That Robert Spear be declared Messenger of this House for the present session.

Adopted.

Mr. Graham, of Nemaha, offered the following resolution:

Resolved, That C. T. Whittenhall, be declared Engrossing Clerk of this House for the present session.

Mr. Morrow, moved to substitute the name of A. C. Soley. Amendment carried and the resolution as amended, adopted.

Mr. Roberts, of Leavenworth, offered the following resolution:

Resolved, That John M. Funk be declared Docket Clerk of this House for the present session.

Adopted.

Mr. Mitchell, offered the following resolution:

Resolved, That S. C. Smith, be declared Enrolling Clerk of this House for the present session.

Adopted.

Mr. Wright, offered the following resolution:

Resolved, That the Clerk inform the Council, that the House has organized by electing Hon. A. Larzalere, Speaker, and B. P. Ayers, Clerk, and that the House is now ready to proceed to business.

Resolved, That a committee of one be appointed by the chair, to act with a similar committee of the Council, to inform the Honorable Governor Medary of the organization of the House, and that we are ready to receive any communications he may have to make.

Both of which resolutions were adopted.

Mr. Wright was appointed the committee to wait on the Governor.

Mr. Irvin offered the following resolution:

Resolved, That when we adjourn, we adjourn to meet at 7 o'clock this evening.

Adopted.

A. D. Richardson, Journal Clerk, Robert Spear, Messenger, and George W. Smith, Jr., Doorkeeper, appeared and took the oath of office.

The House adjourned.

EVENING SESSION.

SEVEN O'CLOCK.

G. F. Warren, Sergeant-at-arms, appeared and took the oath of office.

J. B. Hovey, of Johnson county, member elect from the 10th District, appeared and took the oath of office.

Mr. Lockhart offered the following resolution:

Resolved, That R. W. Eddy, be, and is hereby declared Assistant Engrossing Clerk of this House, for the present session.

Mr. Vaile, moved to amend, by inserting the name of C. T. Whittenhall.

Mr. Canniff, moved to lay the resolution and amendment on the table. Carried.

Mr. Danford offered the following resolution:

Resolved, That the Rules for the government of the Legislative Assembly at the last session, be adopted for the government of this House for the present session.

Adopted.

Mr. Danford offered the following resolution:

Resolved, By the House of Representatives, (the Council concurring therein,) that the Joint Rules for the government of the Council and House of Representatives for the last session, be adopted for the government of the Legislative Assembly for the present session.

Adopted.

Message from the Council:

Mr. SPEAKER—I am instructed by the Council, to inform the House of Representatives, that the Council has organized by electing the following officers:

CARMI W. BABCOCK, President,
A. S. DEVENNY, Secretary,
G. A. COLTON, Assistant Secretary,
E. P. HEBERTON, Docket Clerk,
P. WILEY, Sergeant-at-arms,
ASAPH ALLEN, Doorkeeper,

and are now ready to proceed to business.

Attest: A. S. DEVENNY, Clerk.

Message from the Council:

Mr. SPEAKER—I am instructed by the Council, to inform the House of Representatives, that the Council has concurred with the House in the passage of the resolution appointing one on the part of the House, to act with a similar committee on the part of the Council, to inform the Hon. Samuel Medary of the organization of both Houses, and that they are now in readiness to receive any communication which he may have to make; and that the Council has appointed R. Crozier as one of that committee.

Attest: G. A. COLTON, Assistant Secretary.

The Private Secretary of the Governor, then delivered through the Speaker of the House, the following Message from the Governor, which was read from the Clerk's desk:

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE, LECOMPTON, K. T.,
January 3d, 1859.

Gentlemen of the Council and House of Representatives:—

We have convened under the Organic Act and Laws of the Territory to consult for the public good, and to fulfil faithfully and honorably the important trusts confided to our care.

Nature has provided, and we have chosen a country not only beautiful to look upon, but overflowing in all that is required to make a happy and prosperous people—she has left nothing wanting to bring forth, and into the Union, another State, rich, and progressive as any of the Sisterhood, varied as they are in soil, climate and character of their people; but peace must be courted, industry rewarded, a due observance of law enforced by public opinion, as well as by the chosen authorities, else the blessings which nature has bestowed, will be lost to ourselves and our posterity.

Where the freedom of the press, of speech and of conscience, is unquestioned, differences of opinion must necessarily exist. When that freedom, unchecked by honest judgment and just desires, is permitted to run riot, violate laws and constitutions, it becomes a curse rather than a blessing to the people.

Written constitutions and written laws are based upon the virtue and intelligence of those from whom they emanate, and are a daguerreotype of the mind which constitutes the government. The future will know us by our laws, for upon them our character, as a people, must be indelibly stamped.

To the patriotic lover of the Union, it is a just cause of alarm and deep regret to witness, in various parts of the country, a growing disposition to overawe the voter, corrupt the ballot-box, and to secure power by fraud and disobedience to the plainest letter of the law, and the dictates of honesty. Against all such practices, the sound conservative men of the nation should set their faces, before the increasing evil attains a magnitude beyond their control, and the governing power falls into the hands of those, unprincipled and vicious, cast up as fit representatives of such morality. Power, by such means, is dearly bought. The successful party would have been better served by defeat. Success might be ruin, when defeat would be preservation.

To the victors may properly belong the spoils; but they are the spoils and patronage given to power for the public weal and public necessity. But when the majority mistakes the spoils of official station, regulated by law, for the spoliation of the rights and property of the minority, our vaunted freedom and justness of government become the objects of ridicule, and furnish the strongest arguments against our governmental policy. No one has reason, nor right to complain of the successful party distributing the posts of favor among its political friends; but there the power of the law ends; all beyond that is criminal and the individual amenable to the laws.

As the subject of forming a State Constitution, and asking admission into the Union has been extensively agitated, it might be expected that I should allude to it in this place. In doing so, I shall speak of it only in a practical sense—it has no necessary political connection. The Territorial condition is certainly not desirable for a large and wealthy community—it is a transition state from youth to manhood—from weakness to strength. It is a question, with the people of Kansas, whether they are prepared to assume the weighty responsibilities of a State Government. Personal ambition should not be permitted to step in between them and their true interests. The question should be discussed in all its bearings, and brought to a decision favorable to the interests of the whole people. Population has much to do with the question, it is true; but to the people of Kansas, who have the expense of Government to pay out of their own pockets, their ability to do so is of deep interest to them, and should not be overlooked.

Congress has been liberal to many of the Territories; but there is much yet to be done for Kansas in the way of appropriations, to place her upon an equal footing with many that have preceded. From her disturbed condition for the past few years, the appropriations which she has received have not been as advantageously disposed of as they would have been. But the people of Kansas are not alone to blame. There were those outside her limits, and even in the Halls of Congress, who deserved a goodly share. Agitation from without, inflaming the emigrant on his way hither, was calculated to continue, if not increase the excitement within the Territory.

Railroads from the East, already approaching our very borders, and pointing their way through the heart of our Territory, are about to bring into our midst both population and wealth, in their passage onward to the shores of the Pacific—to return with rich cargoes of the mineral wealth of the mountain and the products of Asiatic industry—will make Kansas the great thoroughfare of the States. Lying in the geographical center of the Union, the hope may be entertained that Kansas may one day become its concentering point for population, wealth and influence.

I would most respectfully call your attention to that portion of the Territory lying in the region of the recent gold discoveries. A large number of our own citizens, and emigrants from the States, have already located there, and from the best and latest information that has been received from the New Eldorado, a very extensive immigration must be expected during the coming season. The county of Arrapahoe already established and organized by my predecessor, Governor Denver, in September last, includes within its boundaries nearly, if not the whole of the gold field. What additional legislation may be necessary for the protection of its citizens, and to regulate their intercourse, it will be your duty to inquire. I might here suggest that a Memorial to Congress for the establishment of a mail route from Fort Riley to some point within the gold field, might not be inappropriate, but of great importance.

I would, with no little deference, call your attention to the question whether the laws for the organization of townships and counties might not be greatly simplified—the number of officers reduced—the expenses lessened; and yet, the people equally and better served?

In a newly and sparsely settled country, every act of expenditure bears heavily upon the people; and it is the duty of the law-making power to guard them against oppressive taxation. Laws suited to an old country, where wealth and population have accumulated, may be too complicated and expensive for one newly occupied. The population of Kansas, like all new Territories, is made up of emigrants from every State in the Union; each individual more or less familiar with the laws and customs of his own State, and to some extent predisposed in their favor, is ready to adopt them as the most suitable to his present location. In very few instances will this wholesale transplantation of laws and customs be productive of good results, for reasons already suggested. Kansas should have laws adapted to her own condition, and her's is the condition of all newly settled agricultural communities. Her laws should be explicit, simple, and brief as possible, that while all the purposes of government are secured, the people may not be burdened with unnecessary expenses, nor litigations arising from ambiguities in the law.

The law creating the county Board of Supervisors, gives them unlimited power in the laying out of townships and in changing their boundaries. While this important power is deposited in the proper hands, I would suggest that the number of townships be limited; and the area fixed by law, below which the Board cannot reduce them. Small townships and small counties multiply officers and increase expenses, without a corresponding benefit to the people. The proper time to regulate these is in the incipient organization of a State. Legislation has reference to the future as well as to the present.

In an act in relation to "Counties and County officers," passed at your last session, power is conferred upon the County Board of Supervisors "To allow such bounty for the destruction of wolves and other noxious animals, in their respective counties, as they may deem proper." (See proviso in Chapter 13, Section 12.) From complaints made in regard to the destruction of property by wolves, I direct your attention to the law, that you may determine whether additional legislation is necessary to accomplish its object.

The law passed February 12th, 1858, for the permanent location of the County Seats of the several Counties, by a vote of the people, declares that the places designated by the "highest number of votes," shall be the County Seats of their respective counties. I submit it to your wisdom and good judgment, whether this law should not be made *to read*, "a majority of all the votes" cast at such election, &c. There might be three or four towns contesting for the county seat. In such a case, the town containing the greatest number of voters would obtain the favor, and the County Seat be "permanently" located where not one-third of the voters of the county would desire it; but each anxious for his own local interest, had cast his vote accordingly. Much lasting evil might result from the law as it now reads.

Complaints are made of Territorial and County Officers, that they do not hold their offices at such places as are designated by law. If power were given the Executive to declare such offices vacant, and to fill the vacancies so created, it would soon cure the evil and silence complaint.

I would advise an entire revision of the several Election laws upon the Statute Books. As they now stand, one set of officers is required to be elected by ballot; another *viva voce.* This leads to misapprehensions, and annoying contests may arise.

The quiet and welfare of the Territory depends greatly upon the purity of the Elections, and all legislation necessary to secure so desirable an object should receive your prompt and most careful attention. The public voice being the controlling power in our system of government, every care should be observed to give it a fair and full expression. Our elections are worse than a farce, if controlled by fraud, or dictated by threats. Let the election law be uniform and plain in its provisions, and exacting upon the officers in charge of the polls. It will then be less difficult to bring its violators to justice; it will be the more certain that our Elections express the unbiased judgment of the people. To such fair expressions of the people's wish, all good citizens will with pleasure submit, as is their duty; while it takes from the evil-disposed all just cause for complaint.

I herewith transmit the Report of the Adjutant General of the Kansas Militia, to which I would direct your attention. From this Report it is evident that some legislation is necessary to a proper organization of the military force of the Territory. By the Organic Act of the Territory the Governor is made the Commander-in-Chief of the Military force; and any Act taking that power out of his hands is clearly beyond the jurisdiction of the Legislature. To avoid all conflict between the original Act and the one claimed to have been passed at the last session, it would be proper for you to take some action in regard to the subject. Even a doubt permitted to exist might lead to serious consequences and create embarrassment in an effort to protect the lives and property of citizens. Surrounded as we are by Indian tribes, a military organization becomes of the first importance, if not an absolute necessity. With full confidence in the justness of your decision, I leave the matter in your hands without pressing it further upon your consideration.

I also, herewith, transmit the Report of H. J. STRICKLER, Esq., the Commissioner appointed under an Act of the Territorial Legislature, passed February 23d, 1857, to audit all claims of a public nature arising from the enforcement of the laws of the Territory, and also all claims of a private nature growing out of the difficulties occurring between the dates of the Territorial Organization and the passage of the Act. The Commissioner, after giving due public notice, held his sessions at seventeen different places, for the convenience of claimants, and has evidently given much time and great labor to the performance of his duties. The claims presented for examination amounted to $301,225 11. The amount awarded by the Commissioner, $254,279 28; of which, $38,942 90 were of the public class; and $215,311 38 of the private class. These, with the accompanying testimony, have been forwarded to Congress and referred, upon presentation by the Delegate from the Territory, to the Committee on Claims, from which Committee it is hoped a favorable report may be made.

As Agriculture must always be the predominating interest in the Territory, I would suggest a law encouraging the organization of County Agricultural Societies.

I learn from the Comptroller, that the audited debt of the Territory, on the 23d of December, 1858, was $19,000; and the assets, $33,946. The latter includes the assessments of five counties for the year 1858. The Comptroller informs me that he is unable to report the entire debt, as the Board for the Investigation of Election Frauds was authorized to audit its own accounts, and draw warrants upon the Treasury. Neither are the Legislative expenses of the last Legislature and Extra Session—such as the Territorial Treasury was liable for—included in the estimate, as the Legislature provided for an Auditing Committee, composed of the Governor, President of the Council and Speaker of the House of Representatives, whose duty it was to draw warrants upon the Treasury. This custom, if it be such, of authorizing different individuals to draw warrants upon the Treasury, and thus rendering the proper officer incompetent to make a true statement of the condition of the Territorial funds, is not one sufficiently commendable to follow as a precedent.

The Comptroller estimates that the taxable property of the Territory, at this time, amounts to $25,000,000, and considers the estimate reasonable. It should be remembered that in addition to this estimate, a very large amount of the real estate of the Territory is held by pre-emptors, which, they not having completed their titles, is not subject to assessment and taxation.

It is gratifying to state that most of the organized counties, where peace prevails, have entered upon the duties of assessment, and are progressing in the collection of their taxes. A number of new counties have also lately organized and begun in earnest the duties of civil government, and by the proper industry will soon be surrounded with all the comforts of home and plenty—with convenient places for public worship, and with schools for their children.

A great number of Indian Reservations, located within the Territory, many of which were isolated, are now wholly surrounded by the white settlers. In other instances, the boundaries not being established, or not distinctly marked, there has already a difference of opinion arisen between the Indians and the settlers, as to the right of occupancy of the soil The interests of both require the very early action of those having jurisdiction over the subject, as delay will only multiply the troubles and render a final disposition of them the more difficult. It is fortunate for

Kansas that the Indian Department is in the hands of one, not only thoroughly versed in the Indian character, and the general duties of his office, but personally known to the peculiar condition of the Indian tribes of this Territory. In doing justice to the people of Kansas, by opening their way to future power and wealth, it is very important to the good understanding between the whites and Indians, that no injustice be done the latter. A speedy determination of these conflicting interests, by treaty with the Indian tribes within our limits, will be highly conducive to harmony between the two races.

I have been kindly furnished, by the Receivers at the Kickapoo and Lecompton Land Offices, with the amount of lands sold and pre-empted up to December, 1858, in their Districts. The Land Offices at Ogden and Fort Scott, I have not had time to communicate with.

The number of acres of Public Lands that have been sold and pre-empted in the Delaware Land District, are as follows:—

	Acres.
Iowa Trust Lands,	94,450.26
Delaware Trust Lands at Osawkee,	348,810.54
Public Lands pre-empted,	543,723.60
Lands sold in Trust for Delaware Indians, (by Gen. Brindle,) lying in Leavenworth County,	209,145.19
Total acres sold in above District,	1,196,129.59

The amount of Land sold and pre-empted in this District, (office at Lecompton,) is:—

Sold in Trust for the Peoria, Kaskaskia, Piankeshaw and Wea confederated Bands in June and July, 1857, embraced in Lykins county,	207,798.85
Lands sold to Pre-Emptors from April 20th, 1857, to December 1st, 1858,	70,608.59
Do. entered by, (as above,) with Land Warrants,	816,905.65
Total acres, sold and pre-empted in above district,	1,095,313.09
Do. do. in both Districts,	2,291,442.68

It is reasonable to suppose that the number of acres sold and pre-empted in the other two Land Districts would increase the whole amount of acres sold and pre-empted to at least 3,000,000. There were also sold, in the months of November and December, 1856, and February, 1857, in Trust for the Delaware Indians, the following towns, situated in Leavenworth county, viz: Jacksonville ($544.50); Delaware ($1,365.05); Hardtville ($620.00); Lattaville ($1,600.00); and Leavenworth City ($24,483.00); making in the aggregate $28,612.65, showing the vast interests already invested in lands in this Territory. Then add to the number of acres the amount held by squatters, spread in all directions over the Territory, who have not yet been able to complete their pre-emptions, and some estimate approximating the truth may be made of the sudden growth of this newly settled and rising Commonwealth.

Our newly settled Territories, surrounded by warlike Indian tribes, distant from densely settled neighborhoods, subject to all the privations of frontier life, have, from the beginning of our Government, been more or less the true objects of Executive and Congressional care. Hence, the origin of paying from the National Treasury the Territorial and Legislative expenses—erecting public buildings, laying out roads, building bridges, appropriating lands for schools, colleges and other purposes—permitting the emigrant to settle upon the public lands free from taxation, until his title is acquired, and reducing their prices to a very low standard; thus acting with parental care during their minority, and at the proper time receiving them into full fellowship as an equal independent and powerful State.

As each regular term of the Legislature is restricted by law to forty days, much embarrassment is generally created by the want of time for due deliberation, owing to the demands for numerous acts of private incorporations, many of which are of a doubtful character, and some wholly pernicious. A general law, under which associations may be formed, with all the powers of a corporate body, would be found greatly conducive to Legislative integrity and the public good. It would place each corporation upon an equality, prevent corrupt combinations to secure special privileges, reduce the size of the Statute Books, and give to the Legislature more time to devote to the general interests of their constituents.

It is with unfeigned regret that it becomes my duty to call your attention to the very serious disturbances and violations of law which exist in the south-east portion of the Territory, principally confined to the counties of Bourbon and Linn. I would approach this unpleasant subject with more delicacy were it not that the lives and property of the people in that district, demand the most prompt attention; and there is no authority which I can approach with so much freedom as that of the law-making power of the Territory. The people, by their free suffrages, have conferred upon you the high responsibility of making laws for their government, and for the protection of their lives and their property. You are their immediate representatives, their neighbors, and fresh from their firesides. You know their wants and their necessities—their peace is your peace—their prosperity your prosperity—their safety and protection is yours also. If the highwayman is permitted *to* violate the rights, and outrage the persons and property of your constituents, there is no safety for your own households, for sooner or later will it fall to your lot to satisfy the cravings of the outlaw—he makes his own pretext and fixes his own time for the onslaught. Like the beasts of prey, his judgment is controlled only by his appetite.

Of the differences of opinion growing out of past political strifes, it is not my province to speak. Free from the animosities and prejudices resulting from them—ignorant of their unwritten history, and doubtful of much which has been placed upon record, I would not wish to approach the subject were it within the range of Executive duties. The Organic Act, which is the written law for our guidance, imposes no duties but those of obedience to its provisions. To this Act, and the laws passed by the Legislative power in accordance with it, it is my duty to confine myself, and see that they are properly enforced. Looking wholly to the good of the people, and seeking my reward in the justification of my conduct, I am prepared to unite with you, in the most cordial manner, for the adoption of such measures as shall restore order; promote peace and good will; bring confidence out of mistrust; add to the general prosperity, and secure life and property to the inmates of every hamlet in the Territory.

Kansas has long enough been the scape goat of political parties and political demagogues outside the Territory. She has a character of her own to make—she has interests of her own to subserve—she has rights to wield through her own intelligence, and on her own responsibility, without gratuities by way of advice from those who have enough to do, if they would look after their own affairs. Thousands are looking to these broad prairies, rich beyond estimate in their agricultural abilities, with a climate healthful and invigorating, for homes for themselves and their children.—Millions of capital is ready to be invested in our midst, confident of abundant returns. But without quiet and protection, all other blessings will not avail.

I will, if necessary to the restoration of order, and the preservation of our citizens, bring to your aid all the power placed at my discretion by the Executive of the nation, whose sole desire is your peace, welfare and protection. For its proper use I will have to render a just accountability. Such facts as are in my possession, in relation to these unfortunate troubles, are at the service of your body, for your examination; and I may, at an early day, with other accumulating testimony, make it the subject of a special communication.

It is to be hoped that our intercourse may be of the most friendly and cordial nature—our differences, those of men contending for the right—so that in our union we may find that strength which is secured by manly acts and just deeds. That, when our work is done, we can, with full confidence in the integrity of our purpose, submit it with freedom to the ordeal of public examination.

S. MEDARY.

Mr. Lockhart offered the following resolution:

Resolved, That five thousand copies of the Governor's Message and accompanying documents be printed in the English language, and one thousand copies of the Message in the German language, for the use of the members of this House.

Adopted.

Mr. Roberts, of Leavenworth, offered the following resolution:

Resolved, That the Governor's Message, be referred to a select committee of three, to be, by said committee, distributed to the appropriate Standing Committees.

Adopted.

The following gentlemen were appointed as that Select Committee: Roberts, of Leavenworth, Lewis and Irvin.

Mr. Roberts, of Leavenworth, introduced "An Act to Incorporate St. Paul's Protestant Episcopal Church, Wyandott, Kansas;" also, "An Act to Incorporate and establish the Missouri Valley University."

Mr. Wright offered the following joint resolutions:

PREAMBLE AND JOINT RESOLUTIONS, IN REGARD TO HOLDING THE REMAINDER OF THE SESSION AT LAWRENCE.

Whereas, The Legislature of the Territory of Kansas, is required by law to meet at the Capital of said Territory; and,

Whereas, There is at said Capital such a deficiency of suitable rooms, hotel accommodations and other conveniences as to seriously interfere with the progress of Legislative business; and,

Whereas, Suitable accommodations can readily be obtained elsewhere; therefore,

Be it resolved, by the Governor and Legislative Assembly, of the Territory of Kansas:

That we do adjourn at 12 o'clock M., on Tuesday, January 4, 1859, to meet in the city of Lawrence, Kansas Territory, on the 7th day of January, A. D. 1859, at 12 o'clock M., to hold the remainder of the present session; and that the Secretary of the Territory be requested to procure suitable rooms for the accommodation of said Legislative Assembly in said city of Lawrence.

Mr. Dickerson, of Atchison, moved to lay the resolution on the table. Lost.

Mr. Wright moved that the rules be suspended, and the resolution read the second time. Carried.

The resolution was read a second time, after which

Mr. Morrow moved that the rules be suspended and the resoution read a third time. Carried.

After the resolution had been read a third time,

Mr. Roberts, of Wyandott, moved to strike out Lawrence and insert Wyandott. Lost.

Mr. Clark moved to strike out Lawrence and insert Leavenworth. Lost.

The preamble and joint resolution was then adopted.

Mr. Wright moved that the House adjourn until to-morrow morning at 9 o'clock. Carried.

Adjourned.

Attest: B. P. AYERS, Clerk.

TUESDAY, JANUARY 4, 1859,
NINE O'CLOCK, A. M.

Prayer by Rev. Mr. Bell, of Jefferson county.

The Journal of yesterday's proceedings was read, amended and approved.

Mr. Lewis introduced "An Act amending the City Charter of Elwood, K. T.;" and, also, "An Act amendatory to certain Acts to establish certain Ferries at Elwood, K. T."

Mr. Roberts, of Leavenworth, offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to procure a sufficient number of files for the use of the House.

Adopted.

Mr. Scott introduced "An Act to amend an Act entitled 'An Act to provide for the assessment and collection of Taxes,'" approved Jan. 12, 1858.

Mr. Danford introduced "An Act for the Repeal of the Bogus Statutes of Kansas Territory."

Mr. Wright introduced the following Concurrent Resolution:

Resolved, That a Committee of three on the part of the House be appointed, and two on the part of the Council, (the Council concurring therein,) to apportion the members of the Council and House to the several counties, as provided for in the Organic Act.

Mr. Morrow moved that the resolution be referred to the Committee on Apportionment, when that Committee shall be appointed. Carried.

Mr. Curtiss offered the following resolution:

Resolved, That Absalom White be declared Assistant Sergeant-at-Arms for this House for the present session.

Mr. Wright moved to lay the resolution on the table. Carried.

Mr. Finch offered the following resolution:

Resolved, That the House indefinitely postpone all business of a private nature until a general Code of Laws can be gotten up and passed.

Mr. Vaile offered the following amendment:

Resolved, That Friday of each week be set apart for special legislation.

Mr. Danford offered the following amendment:

Resolved, That the whole matter be referred to a select Committee of three, with instructions to report a standing rule for the government of the House on the subject of general and special Acts, and their precedence in order.

The amendment of Mr. Danford was adopted, and the resolution as amended was passed.

Message from the Council:

Mr. SPEAKER—I am instructed by the Council to inform the House of Representatives that the Council have concurred with the House in the passage of the joint resolution for the removal of the present session of the Legislative Assembly from Lecompton to the city of Lawrence.

Attest: A. SMITH DEVENNY,
Secretary of Council.

Mr. Morrow offered the following resolution:

Resolved, That the Secretary of the Territory be requested, in connection with the Sergeant-at-Arms, to procure rooms at Lawrence for the accommodation of the Legislature, and the removal of the furniture from this place, without delay.

Mr. Mitchell moved that the resolution lay on the table. Carried.

S. C. Smith appeared, and was sworn in as Enrolling Clerk of the House.

A. D. Richardson was sworn in as Assistant Clerk of the House, *pro tem.*

The Speaker appointed the following gentlemen to serve in select Committee on a standing rule in regard to general and special Acts: Mitchell, Lewis and Branscomb.

Mr. Bailey offered the following resolutions:

Resolved, by the Council and House of Representatives of Kansas Territory, (the Council concurring,) that three Commissioners, learned in the law, and not members of the Legislature, be chosen, by joint ballot, to prepare, and present, for the consideration of the two Houses, a complete Code of Laws for the government of this Territory.

Resolved, That such Commissioners shall receive such compensation as may be hereafter provided by law.

Mr. Vaile moved that the resolutions be laid on the table. Carried.

Mr. Danford offered tho following resolution:

Resolved, by the House of Representatives, (the Council concurring therein,) That a Committee of five, three on the part of House and two on the part of Council, be appointed to assign to the respective branches of the General Assembly an equal and appropriate number of the General Laws to be originated at the present session.

Adopted.

Mr. Mitchell offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure, from the Secretary of the Territory, one copy of the General and Special Laws for each member of the House.

Adopted.

Mr. Marsh offered the following resolution:

Resolved, That the Sergeant-at-Arms be requested to furnish each member of the House a printed copy of the Rules for the government of the General Assembly during the present session.

Adopted.

Mr. Wright, on leave, introduced "An Act to abolish Slavery, and to punish certain crimes therein named."

Mr. Scott, on leave, introduced "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure.'"

Mr. Mitchell offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure, from the Secretary of the Territory, three dollars worth of postage stamps, for each member and officer of this House.

Adopted.

Mr. Lockhart offered the following resolution:

Resolved, That the Enrolling Clerk be authorized to present to the Governor all bills and joint resolutions passed prior to the appointment of the appropriate Standing Committees.

Adopted.

Mr. Lockhart offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to procure, from the Secretary of the Territory, a blank book, for the use of the Docket Clerk of this House.

Adopted.

Mr. Mitchell, upon leave, introduced "An Act concerning service of Civil Process."

Mr. Lewis moved that the House take a recess for one hour. Carried.

On the re-assembling of the House,

Mr. Curtiss moved that the House take a recess for a half an hour. Carried.

On the re-assembling of the House,

Mr. Wright moved that the House take a recess for fifteen hours. Carried.

When the House re-assembled,

The Private Secretary of the Governor, through the Speaker, introduced the following Message from the Governor:

EXECUTIVE OFFICE, LECOMPTON, K. T., }
January 5, 1859. }

To the Speaker of the House of Representatives:

SIR:—I have this day approved [the] joint resolution passed by the Legislature, removing the session to Lawrence.

Respectfully,

S. MEDARY.

Adjourned.

Attest: B. P. AYERS, Clerk.

FRIDAY, JANUARY 7, 1859. }
TWELVE O'CLOCK M. }

Prayer by the Chaplain.

The Journal was read and approved.

P. P. Elder, Assistant Clerk, appeared, and was sworn in.

Mr. Roberts, of Leavenworth, moved that the morning orders be dispensed with. Carried.

Mr. Branscomb offered the following resolution:

Resolved, That the Clerk of the House prepare thirty-nine ballots, upon which shall be written the names of the members of this House respectively; that he place the same in a hat, from which he shall draw them, one by one, in the presence of the House; that, as soon as each ballot is drawn, the member whose name it contains shall choose his seat; and that, prior to the drawing, and while the same is proceeding, the seats shall be vacated, and continue vacated, except as they are chosen, until the drawing is concluded.

Adopted.

Mr. Morrow offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to procure cloth, and cover the desks of members of this House.

Adopted.

Mr. Stevenson offered the following joint resolution:

Resolved, That the House of Representatives, (the Council concurring therein,) go into an election of Public Printer to-day, at 3 o'clock P. M., in the Hall of the House of Representatives.

Mr. Mitchell called for the yeas and nays.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Canniff, Curtiss, Clark, Dickerson, Graham, of Brown, Hovey, Holaday, Lynde, Lockhart, McDowell, Marsh, Morrow, Medill, Roberts, of Leavenworth, Scott, Stevenson, Spriggs, Vaile, Wider, Walters.—22.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Danford, Finch, Mitchell, Roberts, of Bourbon.—6.

Mr. Roberts, of Bourbon, offered the following concurrent resolution:

Whereas, A marauding party is now and has been in the field, for some time past, in Linn and Bourbon counties, fraught with great danger to the peace of the citizens of those counties; and,

Whereas, the existence of such a party is destructive of the best interests of the peace loving and law abiding citizens of the Territory; therefore,

Be it Resolved, By the House of Representatives, (the Council concurring therein,) That this Legislature will sustain the Governor in his efforts to suppress the difficulties, and bring the offenders to a speedy justice.

On motion of Mr. Graham, of Brown, the resolution was laid on the table.

Mr. Allison offered the following resolutions:

Resolved, by the House of Representatives, (the Council concurring,) That a Board of Commissioners, consisting of three persons, be, and is hereby constituted, to prepare an entire Code of Laws, upon all subjects of general legislation pertaining to the interests of the Territory of Kansas, said Laws to be submitted, from time to time, to the Legislative Assembly for their action upon the same.

SEC. 2. That a Joint Committee, consisting of three members on the part of the House, and two members on the part of the Council, be appointed to recommend to the two Houses suitable persons for such Commissioners.

SEC. 3. That the said Commissioners shall receive for their services, each the sum of five dollars per day, while thus employed.

Adopted.

Mr. Graham, of Brown, offered the following resolution:

Resolved, That the Governor of the Territory be called upon to furnish to this House any information in his possession in relation to the difficulties in Bourbon and Linn counties.

Adopted.

Mr. Branscomb offered the following resolution:

Resolved, That the hours of meeting for the morning and afternoon sessions be, respectively, 9 o'clock and 2 o'clock of each day, unless the House shall otherwise direct.

Adopted.

Mr. Canniff offered the following resolution:

Resolved, That Thaddeus Prentiss be appointed Assistant Doorkeeper of this House.

Lost.

Mr. Mitchell, from the Committee to whom was referred a resolution in relation to general and special legislation, reported the following standing rule on the subject:

RULE No. —. General Bills shall have precedence of all Special and local Bills, and no Special Act shall be taken up and considered until the General Bills are disposed of in their regular order, each morning.

The Speaker announced the following joint committee on Allison's Resolution: Allison, Clark, Spriggs.

The Chair announced the following

STANDING COMMITTEES.

ON WAYS AND MEANS—Branscomb, Mitchell, Hovey, Finch, Clark.

ELECTIONS—Allison, Townsend, McDowell, Bailey, Holaday.

CLAIMS—Graham, of Brown, Roberts, of Leavenworth, Morrow, Marsh, Walters.

JUDICIARY—Lewis, Barry, Mitchell, Spriggs, Allison.

MILITIA—Wright, Scott, Silvers, Medill, Wider.

AGRICULTURE AND MANUFACTURES—Barry, Lynde, Vaile, Silvers, Woodward.

Apportionment—Irvin, Holaday, Spriggs, Clark, Allison.

Corporations and Banking—McDowell, Allison, Lewis, Barry, Danford.

Education—Spriggs, Canniff, Roberts, of Bourbon, Stevenson, Morrow.

Public Institutions—Holmes, Walters, Roberts, of Bourbon, Medill, Wider.

Enrolled Bills—Holaday, Finch, Woodward, Points, Mitchell.

Engrossed Bills—Curtiss, Points, Walters, Hovey, Holmes.

Vice and Immorality—Lockhart, Wright, Hovey, Irvin, Holaday.

Accounts and Expenditures—Danford, Medill, Marsh, Lynde, Lockhart.

Printing—Bailey, Branscomb, Stevenson, Townsend, Wider.

Counties and County Lines—Canniff, Lockhart, Roberts, of Leavenworth, Vaile, Stevenson.

Roads and Highways—Lynde, Graham, of Brown, Dickerson, Bailey, Scott.

Phraseology—Danford, Scott, Wright, Curtiss, Finch.

Federal Relations—Roberts, of Leavenworth, Irvin, Holmes, Graham, of Brown, McDowell.

Internal Improvements—Clark, Canniff, Lewis, Dickerson, Spriggs,

Mr. Morrow moved that Messrs. Danford, Morrow, Roberts, of Bourbon, Finch, and Mitchell be excused from serving on the respective committees upon which they were appointed.

Mr. Danford called for the yeas and nays.

The gentlemen voting in the affirmative were Messrs. Curtiss, Danford, Finch, Mitchell, Morrow, Roberts, of Bourbon.—6.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscombe, Bailey, Canniff, Clark, Dickerson, Graham, of Brown, Hovey, Holmes, Holaday, Lynde, Lockhart, McDowell, Marsh, Medill, Roberts, of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Vaile, Wider, Woodward, Walters.—25.

Lost.

Mr. Spriggs, on leave, introduced "An Act to abolish offices of Township Clerk, Township Treasurer, Township Assessor, Township Supervisors, the County Board of Supervisors, and for the Election of County Assessors and County Commissioners."

Referred to Committee on Judiciary.

Mr. Roberts, of Leavenworth, moved the Bills and Resolutions on the table be referred to the proper committees. Carried.

Mr. Branscomb moved that the Sergeant-at-Arms draw seats for absent members. Carried.

The House having proceeded to draw for seats, Mr. Roberts of Leavenworth moved that the House adjourn until 2 o'clock, P. M. Carried.

AFTERNOON SESSION.

Two o'clock.

Mr. Roberts, of Leavenworth, moved that the morning orders be taken up. Carried.

Mr. Scott introduced the following Acts:

"An Act to provide general provisions relating to Corporations."

Referred to Committee on Corporations and Banks.

"An Act to provide for the location of a Territorial Road from Leavenworth City to Fort Riley."

Referred to Committee on Roads and Highways.

"An Act regulating Elections."

Referred to Committee on Elections.

"An Act locating and working Highways."

Referred to Committee on Roads and Highways.

"An Act to provide for the incorporation of Turnpike Road Companies."

Referred to Committee on Corporations and Banks.

Mr. Woodward introduced "An Act to Incorporate the City of Eudora."

Referred to Committee on Corporations and Banks.

Mr. Irvin introduced "An Act for the extermination of Wolves."

Referred to Committee on Agriculture.

Mr. McDowell introduced "An Act to increase the County Revenue."

Referred to Committee on Ways and Means.

Also, "An Act in relation to Jury Fees."

Referred to Committee on Judiciary.

"An Act to Incorporate the City of Sumner."

Referred to the Committee on Corporations and Banks.

Mr. Clark introduced "An Act regulating the practice of Medicine and Surgery in Kansas Territory."

Referred to Committee on Public Institutions.

Mr. McDowell introduced "An Act, supplementary to an Act entitled 'An Act to establish a Code of Criminal Procedure.'"

Referred to Committee on Judiciary.

Mr. Dickerson introduced "An Act to extend the time for Assessment and Collection of Taxes in the County of Atchison.

Referred to Committee on Ways and Means.

Mr. Lockhart offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to procure six pairs of scissors, and also punches and eyelets for the use of the clerks of this House; one bottle of mucilage for each member and clerk, and also, two dozen spittoons for the use of the members of this House who chew tobacco.

Adopted.

Mr. Barry offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure a paper folder for the use of each member of this House.

Adopted.

Mr. Clark introduced "An Act for the Relief of Sufferers during the Kansas difficulties."

Referred to the Committee on Claims.

Mr. Danford gave notice, that he would at an early day introduce a Bill to prevent the prevalence of Contagious Diseases among cattle.

Mr. Mitchell gave notice that, on to-morrow, or some subsequent day, he would introduce a Bill relative to the Publication of all the General Laws in the newspapers of the Territory.

Mr. Canniff gave notice that he would, at an early day, introduce a Bill to restrain and regulate the sale and use of Intoxicating Liquors.

Mr. Spriggs introduced "An Act to repeal 'An Act Prohibiting the Circulation of small Bank Bills, Checks, Scrip, etc.

Laid on the table for second reading.

Mr. Curtiss offered the following resolution.

Resolved, That the enrolling and engrossing clerks be, and the same are hereby, authorized to employ such assistant clerks as they may require.

Mr. Mitchell moved that the resolution lay on the table. arried.

Adjourned.

Attest, B. P. AYERS, Clerk.

SATURDAY, JANUARY 8, 1859.
NINE O'CLOCK, A. M.

Prayer by Rev. Mr. Reynolds.

Mr. Morrow introduced the following Preamble and Joint Resolutions:

WHEREAS, A body of men, many of whom were foreign to our Territory, and possessing no affiliation with the interests of the people thereof, elected by fraudulent votes, and illegally holding their seats; did, while sitting at the Shawnee Manual Labor School, in the year 1855, locate, so far as their action was concerned, the Capital of the Territory at Lecompton; *and, whereas*, The manner of selection, the body selecting, and the location itself, are equally obnoxious to the people of the Territory; *and, whereas*, Appropriations have been made by Congress for the erection of Capitol buildings, at said town of Lecompton, to the amount of Fifty Thousand Dollars, and said appropriations have been exhausted without regard to the wishes, concurrence or sympathies of our citizens, and said Capitol building is, as yet, but a mass of ruins, and a public nuisance; *and, whereas*, It will be in direct conflict with the repeatedly expressed wishes of the citizens of our Territory, to further attempt to fasten permanently upon them the town of Lecompton as the seat of government, by continued appropriations and disbursements for the completion of said Capitol buildings, therefore, Be it

Resolved, by the Governor and Legislative Assembly of the Territory of Kansas, That we earnestly request of Congress, that no further appropriations be made for the completion of said Capitol buildings at Lecompton or elsewhere, until such time as the people of the Territory shall have given a full and fair expression of their choice in the selection of their Capital.

Resolved, That the Governor of the Territory be requested to forward a copy of this preamble and resolution to the President, Vice President and Heads of Departments of the United States; and that the Secretary of the Territory be requested to forward a copy of the same to each member of the two Houses of Congress now in session.

Mr. Bailey gave notice that, at an early day, he would introduce a bill entitled "An Act to prohibit slavery and involuntary servitude in this Territory."

Also, "An Act to provide for the registry of the legal voters of this Territory."

Mr. Canniff introduced the following resolution:

Resolved, That the Sergeant-at-Arms be directed to furnish the Postmaster of this city with the names of the members and officers of this House, and that said Postmaster be requested to deliver to the Sergeant-at-Arms all mail matter for said members and officers, for distribution at their respective tables.

Adopted.

Mr. Canniff offered the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish each member and officer of this House with five newspapers each, as shall be designated by each member and officer.

Withdrawn.

Mr. Woodward introduced House Bill No. —, "An Act repealing an Act entitled 'An Act to establish the office of Land District Recorder.'"

Also, House Bill No. —, "An Act extending time for collection of Taxes in the Territory of Kansas."

Mr. Danford gave notice that he would, at an early day, introduce a Bill to provide for the taking of the census of this Territory.

Mr. Allison offered the following resolution:

Resolved, By the House of Representatives, that a memorial be forthwith forwarded to the Congress of the United States, requesting that body to extend the term of this session of the Territorial Legislature, for thirty days in addition to the period now fixed by the Organic Act.

Adopted.

Mr. Mitchell gave notice that he would, at an early day, introduce a Bill to repeal the law creating District Recorders.

Mr. Finch gave notice that he would, at an early day, introduce a Bill concerning Estrays.

Mr. Lynde gave notice that he would, at an early day, introduce a Bill to prevent the carrying of deadly weapons.

Mr. Finch gave notice that he would, at an early day, introduce a Bill to locate a Territorial road from Lawrence to Iowa Point.

Mr. Allison offered the following resolution:

Resolved, That a committee of three be appointed to memorialize Congress to extend the term of our Legislature thirty days beyond its regular time.

Adopted.

The following gentlemen were appointed as that committee:

Messrs. Allison, Roberts, of Leavenworth, Barry.

Mr. Roberts, of Leavenworth, from Select Committee, to whom the Governor's Message was referred for distribution to the appropriate Standing Committees, submitted the following report:

The select committee, charged with the duty of distributing the various subjects presented in the Governor's Message to the appropriate Standing Committees, report

That they recommend the reference of all parts of the Governor's Message recommending a revision of the laws organizing county and township governments, with a view of economizing the same; that part relating to intercourse with the Indian tribes within our borders, and also, that part calling attention to the Bourbon and Linn county troubles, and the importance of strict and good laws for the protection of life and proprrty, to the Committee on Judiciary.

They would also recommend the reference of all parts of the Message relating to grants of lands, money or credit, and the establishment of mail routes in the Territory by the Federal Government, and the speedy extinction of Indian titles within our limits, together with our territorial relations with the national government and the formation of a State government, to the Committee on Federal Relations.

Also, that part of the Message relating to the formation of new counties, and a revision of the law providing for the location of county seats, to the Committee on County Lines and County Seats.

All parts of the Message relating to the formation of Agricultural Societies, and the laws to encourage the destruction of wolves and other obnoxious animals, to the Committee on Agriculture.

That portion of the Message recommending a revision of the Election Laws, to the Committee on Elections.

That part relating to the militia system, to the Committee on the Militia.

That part relating to the claims of our citizens, for spoliations and losses, against the National and Territorial governments, to the Committee on Claims.

That part relating to the Debt of the Territory, to the Committee on Ways and Means.

All the parts relating to taxation and the value of Taxable Property, to the Committee on Ways and Means.

And all that part of the Message relating to Special Legislation, to the Committee on Corporations and Banks.

All of which is respectfully submitted,

W. Y. ROBERTS,
W. L. LEWIS,
J. B. IRVIN,
Committe.

Mr. Danford moved that the report be received. Carried.

Mr. Roberts of Leavenworth, moved that that part of the Message assigned to the Committee on Taxation and Revenue, be assigned to Committee of Ways and Means.

Mr. Branscomb moved an amendment, to refer that part of the report relating to "the formation of a State Government," to a select committee of five.

Mr. Branscomb called for the yeas and nays.

The gentlemen voting in the affirmative, were Messrs. Branscomb, Clark, Finch, Hovey, McDowell, Marsh, Roberts of Leavenworth, and Stevenson—8.

The gentlemen voting in the negative, were Messrs. Allison, Barry, Bailey, Canniff, Curtiss, Danford, Dickerson, Graham of Brown, Holaday, Irvin, Lewis, Lynde, Lockhart, Mitchell, Morrow, Medill, Roberts of Bourbon, Scott, Spriggs, Silvers, Vaile, Wider, Woodward, Walters—24.

The amendment was lost.

Mr. Danford moved that the report be adopted. Carried.

Mr. Mitchell introduced House Bill No. 31, "An Act to provide for the publication of the General Laws, passed at the present session of the Legislature, in the newspapers of the Territory."

Referred to Committee on Printing.

Mr. Branscomb offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to procure the printing ordered by this House, until a Public Printer shall be elected.

Mr. Mitchell offered the following amendment:

Resolved, That the Sergeant-at-Arms be authorized to procure the printing ordered by this House, and that said printing be divided equally between the printing offices of this city until otherwise ordered by the House.

Mr. Bailey moved to lay the whole subject on the table.

Mr. Vaile called for the yeas and nays.

The gentlemen voting in the affirmative, were Messrs. Bailey, Finch, Lewis, Mitchell and Spriggs—5.

The gentlemen voting in the negative, were Messrs. Allison, Barry, Branscomb, Canniff, Curtiss, Clark, Danford, Dickerson, Graham of Brown, Hovey, Holaday, Irvin, Lynde, Lockhart, McDowell, Marsh, Morrow, Medill, Roberts of Bourbon, Roberts of Leavenworth, Scott, Stevenson, Silvers, Vaile, Wider, Woodward, Walters—27.

The motion was lost.

Mr. Morrow moved the adoption of the amendment, and called for the yeas and nays.

The gentlemen voting in the affirmative, were Messrs. Barry, Bailey, Clark, Danford, Finch, Hovey, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts of Bourbon, Roberts of Leavenworth, Scott, Spriggs, Silvers, Wider, Walters—18.

The gentlemen voting in the negative, were Messrs. Allison, Branscomb, Canniff, Curtiss, Graham of Brown, Irvin, Lewis, Lynde, Lockhart, Stevenson, Vaile, Woodward—12.

The amendment was carried.

Mr. Branscomb moved the adoption of the resolution as amended, and called for the yeas and nays.

The gentlemen voting in the affirmative, were Messrs. Barry, Bailey, Clark, Danford, Finch, Hovey, Holaday, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts of Bourbon, Roberts of Leavenworth, Scott, Spriggs, Silvers, Vaile, Wider, Woodward, Walters—22.

The gentlemen voting in the negative, were Messrs. Allison, Canniff, Curtiss, Dickerson, Graham, Irvin, Lewis, Lynde and Stevenson—9.

The resolution, as amended, was adopted.

Mr. Lockhart introduced an Act entitled "An Act to regulate Ferries."

Referred to Committee on Roads.

Also an Act entitled "An Act for the Incorporation of Towns and Villages."

Referred to Committee on Corporations.

Mr. Allison introduced "An Act relating to the Acknowledgment of Deeds and other Writings."

Referred to Committee on Judiciary.

Mr. Graham introduced An Act to establish a Territorial Road from White Cloud, in Doniphan County, to Ash Point, in Nemaha County.

Referred to Committee on Roads.

Mr. Roberts of Leavenworth, moved that when the House adjourn, it adjourn until Monday, at 12 o'clock. Carried.

Mr. Branscomb offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to keep the fire up all the time, night and day, until next Monday, at 12 o'clock M.

Adopted.

Adjourned.

Attest: B. P. AYERS, Clerk.

MONDAY, JANUARY 10, 1859.
TWELVE O'CLOCK, M.

Prayer by the Chaplain.

The Journal of Saturday's proceedings was read, amended and approved.

Mr. Roberts, of Leavenworth, introduced House Bill, No. 36, "An Act to provide for the Incorporation of the Protestant Episcopal Church."

Referred to Committee on Corporation and Banking.

Mr. Wright introduced House Bill, No. 37, "An Act to Provide for the Erection and Maintenance of a Penitentiary."

Referred to Committee on Public Institutions.

Mr. Vaile introduced House Bill, No. 38, "An Act to Locate the County Seat of Marshall county."

Referred to Committee on Counties and County Lines.

Mr. Walters introduced House Bill, No. 39, "An Act to authorize Lykins County to negotiate a loan."

Referred to Committee on Counties and County Lines.

Also, House Bill, No. 40, "An Act to authorize certain Indians to sue and be sued."

Referred to Committee on Judiciary.

Also, House Bill, No. 41, "An Act to locate a Territorial Road from Leavenworth City to Fort Scott."

Referred, on motion of Mr. Mitchell, to a select committee of three, consisting of Messrs. Mitchell, Walters and McDowell.

Mr. Spriggs introduced House Bill, No. 43, "An Act to repeal Sections 145 to 173 inclusive, also Sections 477 to 486 inclusive, of an Act entitled 'An Act to Establish a Code of Civil Procedure,' approved February 12, 1858, and all Acts and Laws Tolerating Imprisonment for Debt in Civil Actions."

Referred to Committee on Judiciary.

Mr. Morrow introduced House Bill, No. 43, "An Act to change the name and boundaries of Douglas county."

Referred to Committee on Counties and County Lines.

Mr. Allison introduced a Petition from C. W. Bryant and sixty-two others, for a Mill Charter in Charleston, Doniphan county.

Referred to Committee on Corporations and Banking.

Adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Roberts, of Leavenworth, offered the following resolution:

Resolved, That the smoking of cigars or pipes in the Hall of the House of Representatives be prohibited, and that the Sergeant-at-Arms be directed to enforce this rule.

Adopted.

Mr. Curtiss offered the following preamble and resolution:

WHEREAS, It has been intimated that certain propositions have been made by Major General James H. Lane to the Executive of Kansas to suppress the troubles in South-eastern Kansas, and

WHEREAS, The import of said correspondence is unknown to the Legislative Department of Kansas Territory, and as the said correspondence may be of general interest to the people of said Territory, therefore be it

Resolved, That his Excellency the Governor, and Gen. James H. Lane be respectfully requested to furnish to this House a copy of said correspondence for the information of the people of Kansas.

Mr. Danford moved to lay the resolution on the table, and make it the special order for to-morrow at 10 o'clock.

Mr. Vaile called for the yeas and nays.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Danford, Finch, Graham, of Brown, Hovey, Holmes, Holliday, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts, of Bourbon, Roberts, of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Townsend, Wright, Wider, Woodward, Walters, Mr. Speaker—32.

The gentlemen voting in the negative were Messrs. Curtiss and Vaile—2.

Carried; and the preamble and resolution made the special order of to-morrow, at 10 o'clock.

Mr. Larzalere gave notice that he would, to-morrow, introduce a Bill for the permanent location of the capital of the Territory of Kansas.

Mr. Hovey introduced House Bill No. 44: "An Act to charter a Ferry across Kansas river."

Referred to Committee on Corporations and Banking.

Mr. Curtiss introduced House Bill No. 45, "An Act to locate and establish a Territorial Road from Lawrence, Douglas County, to Emporia, Breckenridge County."

Referred to Committee on Public Roads.

Mr. Holaday introduced House Bill No. 46, "An Act relative to issuing County Bonds."

Referred to Committee on Ways and Means.

Mr. Irvin introduced House Bill No. 47, "An Act to establish a Territorial Agricultural and Mechanics' Fair."

Referred to Committee on Agriculture.

Mr. Stevenson introduced House Bill No. 48, "An Act to locate and establish a Territorial Road from Elwood to Marysville."

Referred to Committee on Public Roads.

Mr. McDowell introduced House Bill No. 49, "An Act to incorporate the St. Charles Town Company."

Referred to Committee on Corporations and Banking.

Also, House Bill, No. 50, "An Act to incorporate the Salina Town Company."

Referred to Committee on Corporations and Banking.

Mr. Branscomb introduced House Bill No. 51, "An Act to incorporate the Montana Town Company."

Referred to Committee on Corporations and Banking.

Mr. Townsend introduced House Bill No. 52, "An Act to establish a Territorial Road from Leavenworth City to Salina."

Referred to Committee on Public Roads.

Mr. Branscomb introduced House Bill No. 53, "An Act to amend an Act entitled 'An Act to provide for the Assessment and Collection of Taxes.'"

Referred to Committee on Ways and Means.

Also, House Bill No. 54, "An Act to authorize Registers of Deeds to take acknowledgment and proof of Deeds and other writings, and to confirm certain Acts of the same."

Referred to Committee on Judiciary.

Mr. McDowell introduced House Bill No. 55, "An Act to Incorporate the Bank of Leavenworth."

Referred to Committee on Corporations and Banking.

Mr. Mitchell gave notice that he would, on to-morrow or some subsequent day, introduce a Bill to establish a Territorial Road from Paris, Linn County, to Shannon, Anderson County.

Mr. Spriggs gave notice that he would at an early day, introduce a Bill for the location of a Territorial Road from Lawrence, Douglas County, to Humboldt, Allen County, via Ohio City, Garnet, etc.

Also, that he would introduce at an early day, a Bill to Regulate the Service and Return of Processes in Civil Actions, and the time for making up the issue in Court, etc.

Mr. Scott presented the petition of E. F. Stafford and twenty-seven others, for a Territorial Road from Wyandott to Leavenworth City, and to vacate as much of the Military Road, leading from Westport to Fort Leavenworth as lies between Leavenworth and the Kaw river.

Referred to Committee on Public Roads.

Also, a Petition from B. H. Twombley and two hundred and nine others, for the permanent location of the old Military Road, from Fort Leavenworth to Fort Scott.

Referred to Committee on Public Roads.

Mr. Danford gave notice that he would at an early day, introduce a Bill to establish a Territorial Road from the Choteau Trading Post, in Linn County, to Humboldt, in Allen County.

Mr. Lockhart offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to procure one dozen additional chairs for the use of the House: also one sectional map of Kansas, for the use of each member.

Adopted.

Mr. Hovey gave notice that he would, at an early day, introduce a Bill for the location of a Territorial Road from the State line of Missouri, commencing at the terminus of a State road in Missouri, running from Pleasant Hill to said line; thence on the boundary line, between Johnson and Lykins counties, to the western line of said counties; thence, via Minneola, to Council Grove.

Mr. Mitchell offered the following resolution:

Resolved, That the Clerk be instructed to receipt for the House Journals to the printer publishing the same.

Mr. Canniff moved to lay the resolution on the table. Lost.

Mr. Allison called for the yeas and nays on the question of the passage of the resolution.

The gentlemen voting in the affirmative were Messrs. Barry, Danford, Finch, Hovey, Lynde, Mitchell, Marsh, Morrow, Roberts, of Bourbon, Roberts, of Leavenworth, Wright, Walters—12.

The gentlemen voting in the negative were Messrs. Allison, Branscomb, Bailey, Canniff, Curtiss, Graham, of Brown, Holmes, Holaday, Irvin, Lewis, Lockhart, McDowell, Medill, Scott, Stevenson, Spriggs, Silvers, Townsend, Vaile, Wider, Woodward, and the Speaker—22.

Resolution lost.

Adjourned.

Attest: B. P. AYERS, Clerk.

TUESDAY, January 11, 1859.
Nine o'clock, A. M.

Prayer by the Chaplain.

The journal of yesterday's proceedings was read and approved.

Mr. Canniff gave notice that he would, at an early day, introduce a Bill for the location of a Territorial road from Lanesfield, Johnson county, *via* Prairie City and Minneola, to Council Grove.

The resolution, made the special order for to-day, was taken up, and, on motion of Mr. Canniff, was postponed.

Mr. Canniff introduced House Bill No. 56, "An Act to provide for the regulation of the running at large of swine."
Referred to Committee on Agriculture.

Mr. Wright introduced House Bill No. 57, "An Act regulating duties of Steamboats in the Territory of Kansas, which was, on motion, referred to a select committee of three, consisting of Messrs. Wright, Graham, of Nemaha, and Irvin.

Mr. Allen, from the committee to memorialize Congress, submitted the following memorial:

MEMORIAL OF THE LEGISLATIVE ASSEMBLY, OF THE TERRITORY OF KANSAS,

To the Honorable the Senate and House of Representatives of the United States of America in Congress Assembled:

Your memorialists most humbly represent,

That, Whereas, The time limited by the Organic Act of said Territory, for the session of the Legislative Assembly, is entirely too short to meet the wants of the people at the present session, we, therefore, humbly pray your Honorable Body that an Act be passed extending the term of the present session of the present Legislature, thirty days beyond the time limited by the Organic Act.

A. J. ALLISON, Chairman of Committee.

Adopted.

Mr. Mitchell presented a petition from the county officers of Linn county, for extension of time in collecting the revenue of that county.

Referred to Committee of Ways and Means.

Message from the Council:

MR. SPEAKER:—I am instructed to inform you that the Council has passed the following resolutions, and that your concurrence therein is requested:

A. SMITH DEVENNEY, Sec. of Council.

Resolved, By the Council, the House of Representatives concurring, that a Board of Commissioners, consisting of three persons, to act in conjunction with the Judiciary Committee of the Legislative Assembly, be, and the same is hereby constituted to compile and revise the present existing laws, and where deficient, supply, so as to have an entire code of laws upon all subjects of general legislation pertaining to the interests of the Territory of Kansas; said laws to be submitted, from time to time, to the Legislative Assembly for their action upon the same; said board shall make the laws passed at the last session of the Legislative Assembly, the basis of their action.

Resolved, That a joint committee, consisting of two members on the part of the Council, and three members on the part of the House, be appointed to recommend to each House of the Legislative Assembly, for their action upon the same, suitable persons for such commissioners.

Resolved, That said commissioners shall receive for their services, each, the sum of five dollars per day while thus employed,

Mr. Wright moved that the House concur in the resolutions.

Mr. Graham, of Nemaha, called for the yeas and nays.

The Gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Finch, Graham, of Nemaha, Hovey, Holaday, Holmes, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts, of Bourbon, Roberts, of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Townsend, Vaile, Wright, Wider, Woodward, Walters—33.

Carried.

Messrs. Lewis, Holaday and Curtiss, were appointed, on the part of the House, as committee on the concurrent resolutions.

Mr. Wright offered the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish to this House, at as early a day as possible, the vote, by townships and counties, given in August on the Lecompton Constitution; also, at the October election, for Representatives to this House.

Mr. Bailey moved the following amendment:

Also, the vote at the election of January 4th, 1858.

The amendment was carried, and the resolution, as amended, was adopted.

Mr. Roberts, of Bourbon, offered the following resolution:

Resolved, That the House now go into an election, by ballot, for a committee of three on the part of the House, to select the commissioner to codify the laws.

Mr. Lewis moved to lay the resolution on the table.

Mr. Mitchell called for the yeas and nays.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Canniff, Graham, of Nemaha, Holaday, Holmes, Lewis, Lockhart, McDowell, Medill, Stevenson, Spriggs, Townsend, Vaile, Wright, Wider, Walters, Mr. Speaker—18.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Curtiss, Clark, Danford, Finch, Hovey, Irvin, Lynde, Mitchell, Marsh, Morrow, W. Y. Roberts, T. R. Roberts, Scott, Silvers, Woodward—17.

The resolution was laid on the table.

The Private Secretary of the Governor, through the Speaker, introduced the following Message from the Governor, which was read by the Clerk:

EXECUTIVE OFFICE, KANSAS TERRITORY.

To the Honorable the Speaker and Members of the House of Representatives:

In answer to your resolution of inquiry, which reads as follows:

Resolved, That the Governor of the Territory be called upon to furnish to this House any information in his posession in relation to the difficulties in Linn and Bourbon Counties,

I would most respectfully reply, that, at this critical moment, I do not think it advisable for me to make public the names of persons who have given me information in relation to the troubles in Bourbon and Linn Counties. It came to me in so many shapes, written and verbal; from men whos character for truth and veracity I had no reason to doubt, and one statement confirming another, while received from all classes of people, that I felt it my duty to call your attention to the facts in my message of the 3d inst. But I most cheerfully communicate the substance of the information in my possession, while from prudential motives I withhold the names of my informants for the present.

December 20th, the day after my arrival in the Territory to assume the duties of the Executive Department, a delegation of citizens from Fort Scott waited upon me, asking my protection of the citizens and property of that place from a band of marauders under the command of a Capt. Montgomery, who harbors his men in Linn and Bourbon Counties

They stated: That on the morning of the 16th of December an armed body of men, supposed to number one hundred, well armed with Sharpe's rifles, revolvers and cannon, entered the town of Fort Scott from the West side. Most of them proceeded directly to the Fort Scott Hotel, wherein one Benjamin Rice was held in custody by the Sheriff of Bourbon County. Rice was immediately released and put in possession of arms. During the time occupied in releasing Rice, a number of citizens were arrested and others fired upon. The house of J. H. Little & Co. was approached and fired into. The fire was returned by some of the inmates, but did no particular damage.

Afterward, Mr. J. H. Little, while looking at the crowd outside, from a small window over the door, was fired at, the shot piercing his brain and causing almost instant death. The store adjoining the dwelling was then broken open and robbed of most of its contents, amounting to several thousand dollars in value.

The Fort Scott Hotel was entered and robbed of a large amount of wearing apparel, guns, &c.

This body of men was led on by James Montgomery, and among the numbers were men from Linn, Lykins and Bourbon Counties, who have for some time past been pillaging in this and other localities.

Upon receiving this information, I immediately proceeded to ascertain what force there was in the Territory to bring the violators of the law to justice, and to put a stop to any further or similar outrages. To do this, I had to dispatch messengers to various points, which I did without delay. I also employed men to go to the infected district at different points, and report to me, as speedily as possible, the true condition of affairs there—the probable future disposition of the individuals accused—their strength—and all possible facts in connection with the rumored fortifications that they had constructed for their defense.

The substance of what I could learn, and accredit is, as follows:

That those who visited the infected district met on their way thither, family after family, leaving everything and fleeing for their lives. On inquiring the cause, they were told, that Capt. Brown had been into Missouri, stolen several negroes (said to be fifteen,) driven away horses, mules and oxen; and killed a Mr. Cruce who sought to defend his property, and that they were afraid the people of Missouri would come over and take vengeance for it.

Nearing the disturbed district they found the people much alarmed. All persons appeared to be under arms; and every one declared that neither person nor property was safe unless they concurred in the opinions held by Captains Brown and Montgomery.

They found that many robberies had been committed, which were charged to the adherents of Montgomery and Brown; but the perpetrators could not be arrested and punished. The civil authority seemed to be wholly powerless. In fact the Sheriff of Linn County, in trying to raise a *posse* to arrest some of Montgomery's men, was disarmed in broad day by some of the party he wished to arrest. Former supporters of Montgomery stated that no man's property was safe.

They also verify the statements in reference to the attack upon Fort Scott, and add that Mr. Little was treated by some of the invading party in the most brutal manner. When he was dying, one of the outlaws took a pistol from his body, remarking that "*he* could help him die faster."

It is stated that Rice was well treated, and would have received a fair trial, which statements were admitted by Rice himself.

The Sheriff and Deputy Marshal of Bourbon County stated that they were not able to arrest the offenders; that Brown and Montgomery had camped on Sugar Creek, and swore they would not obey the laws, nor submit to any arrests, either by the U. S. Marshal or Sheriffs, for any offences they had committed.

Montgomery was asked "if no means could be devised by which he could be induced to desist driving men out of the Territory for opinion's sake?" His reply was, "that if the Governor would give it to him, in black and white, that none of his men should be arrested for anything that had been done; and that the Pro-Slavery men, that he had run out, should stay out; and that Sheriff Bull should be removed, and Mr. Moore appointed in his stead, then they would stop, and that he would assist the officers to enforce the laws; if not, he would fight it out."

Capt. Brown was fortifying himself on Sugar Creek, some twelve miles from the State line. He says he will resist any officers sent to take him, Montgomery claims, that he can raise two hundred men. They are all well armed. It seems to be the belief that such a body of men is too strong for any *posse* the Sheriffs of Linn and Bourbon can raise.

"Good citizens, that formerly sustained those men, begged to have something done to stop the 'Jay-Hawking' as they termed it, or their Counties would be depopulated," is the language used in one of the written statements handed to me.

During the time that the men I had sent into the "infected district" were absent, persons, some of whom had formerly been sympathizers with Montgomery, came to see me, urging me to take some immediate steps to arrest the course of the marauders and that portion of the Territory from utter desolation. That the citizens were robbed of their arms, of their horses, of their provisions, and of their household furniture; that distress and ruin were spread in all directions; that families of women and children were left without clothing to keep them from suffering; while the husbands were compelled to leave the country under threats of losing their lives; that consternation and awe pervaded nearly every house, where the inmates were not of the marauding gang; that life was only preserved by unconditional submission to all the demands of the Freebooters; that bands of fifteen or twenty would ride up to a farmer's dwelling, feed their horses from his crib, demand food for themselves as they displayed their weapons; and when their demands were complied with, leave without offering any remuneration, but frequently carrying off a part of the family's clothing, and then ordering them to leave in so many days, under the penalty of death; that they have three fortifications, one reported to be very strong—that they have two cannon, a howitzer and eight-pounder; that they have a large surplus of Sharpe's rifles and Colt's revolvers, and are well supplied with stolen horses and stolen provender to feed them; that they boast of having a great number of sympathizers all over the country, and are able to hold out in a contest at arms until they can spread a flame that will dissolve the Union.

There are members in your body, your compeers in the Halls of Legislation, who were compelled to leave their homes at night to escape their threats that they should never take their seats amongst you.

In addition to all this we have later news, known probably to all by newspaper reports, that only a few days since these marauders went over into Missouri again, and burned the store of Mr. Jackson and wounded him by a shot in the face as he was escaping from his burning building. In addition to burning his store and all its contents, they stole all his horses but one, which was in the possession of a gentleman of Kansas Territory, who writes me confirming the newspaper reports.

Having notified the Governor of Missouri of the first outrage upon an old Mr. Cruce, a german by birth, I requested him to prevent if possible the Missourians from crossing the line into our Territory, to take vengeance in return, fearing the innocent might suffer with the guilty, and a false sympathy be aroused by the cry of invasion.

Governor Stewart promptly replied to me that he would use every exertion to that effect, and took the trouble to send a special messenger to consult me upon the matter and prevent any misunderstanding and carry out my request upon the subject.

I am compelled to state that these details, startling as they may appear, do not permit of a doubt upon my mind, as they came to me through men almost exclusively, who have been, heretofore sympathizers with Montgomery, and could have no possible interest in making the disclosures, but to subserve the cause of truth, justice and the common dictates of humanity.

I had ordered two companies of U. S. Cavalry from Fort Riley, to accompany the Marshal, who declined going unless so protected, and as a nucleus around which the citizens, armed and enrolled as his *posse*, could with safety organize. The Marshal in company with cavalry under the command of Capt. W. S. Walker, arrived last night in the neighborhood of the infected district. But I regret to say that I received late last evening, from Fort Leavenworth, notice that the War Department had ordered all U. S. Troops to return immediatly to their Forts. I, at the same time, received by mail from the Secretary of the Interior, authority to offer a reward of $250 each, for the apprehension of Captains Montgomery and Brown. All of which I transmitted to Capt. Walker, 1st Cavalry, and Marshal Fain, last night, with instructions, if possible to deliver them early this morning.

I submit these statements for your consideration and in accordance with your request. Prompt action on your part, I consider of great importance, and I shall feel it my duty to aid you in every way in my power, in restoring order to that distracted portion of our Territory.

Respectfully, S. MEDARY.

Mr. Wright moved to refer the Governor's Message to a select committee of seven, with instructions to report as early as possible. Carried.

Messrs. Wright, Canniff, Vaile, Roberts, of Bourbon, McDowell, Graham, of Brown, and Spriggs were appointed as that committee.

Mr. Roberts, of Bourbon, moved that the resolution calling for a correspondence between Gov. Medary and Major General Lane, be taken from the table. Carried.

The resolution was taken up and adopted.

Mr. Vaile offered the following resolution,

Resolved, That a committee of three, from the House, be appointed to visit Linn and Bourbon counties, and investigate the difficulties there existing; said committee to have all the powers of a court to compel the attendance of witnesses, and administer oaths to them, and to report to this House as soon as practicable.

Mr. Roberts, of Bourbon, moved to lay the resolution on the table. Carried.

Message from the Council:

Mr. Speaker:—I am instructed to inform you that the following resolution has passed the Council, and your concurrence therein is respectfully requested.

A. SMITH DEVENNEY,
Secretary of Council.

Resolved, by the Council, the House of Representatives concurring, That the County Board of Supervisors of Leavenworth county, are requested to make a report to the Legislative Assembly the amount that said county was indebted when they came into possession of said county business, and the amount assessed in and for each township, and the whole amount of taxes assessed for the year 1858, and all appropriations made by them.

Mr. Roberts, of Leavenworth, moved to amend the resolution by inserting the words "and the present amount of indebtedness."

The amendment was carried, and the resolution, as amended, was adopted.

Mr. Irvin introduced House Bill, No. 58, "An Act subdividing Arappahoe county into several counties, and defining the boundaries of the same, and for other purposes."

Referred to Committee on Counties and County Lines.

Mr. Hovey introduced House Bill, No. 59, "An Act to locate a Territorial Road from the State line of Missouri, commencing at a point known as Poag's, and running, via Minneola, to Council Grove.

Referred to Committee on Public Roads.

Mr. Danford moved that the resolution relative to the difficulties in Bourbon and Linn counties be taken up. Carried.

Mr. Graham, of Nemaha, moved that the resolution be made the special order for to-morrow at 2 o'clock.

Mr. Canniff moved an amendment that the resolution be referred to the special committee of seven on the Governor's Message, with instructions to report as early as possible. Carried.

Mr. Graham, of Nemaha, offered the following resolution :

Resolved, That we do now proceed to the election of a Printer for this House.

Mr. ——— called for the yeas and nays.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Finch, Graham, of Nemaha, Hovey, Holaday, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts, of Bourbon, Roberts, of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Townsend, Vaile, Wider, Woodward, Walters—32.

Adopted.

Mr. Stevenson offered the following resolution :

Resolved, That T. D. Thacher be elected Printer of this House.

Mr. Bailey moved to substitute the name of P. B. Plumb.

Mr. Spriggs moved to lay the the resolution on the table, and go into a ballot for Printer. Carried.

A Call of the House was ordered, and 34 members answered to their names.

Mr. Danford moved that further proceedings under the call of the House be dispensed with. Carried.

Messrs. Roberts of Bourbon, and Spriggs were appointed tellers.

Ths House proceeded to ballot for Printer with the following result :

Whole number of votes cast, - - - - - -	35
Necessary to a choice, - - - - - -	18
T. D. Thacher had - - - - - - -	24
P. B. Plumb had - - - - - - -	11

Mr. Thacher was declared duly elected.

Adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Message from the Council:

MR. SPEAKER:—I am instructed to inform you that the following preamble and resolutions have passed the Council, and your concurrence therein is respectfully requested.

Attest: A. SMITH DEVENNY,
Secretary of Council.

CONCURRENT RESOLUTIONS.

WHEREAS, The General Government has made large appropriations of money for the construction of Public Buildings at the seat of government in Kansas Territory, and

WHEREAS, There are no such buildings erected, and no public information has been given by which the people of said Territory have been informed of the manner in which such appropriations have been disposed, therefore

Resolved, by the Council, the House of Reprepentatives concurring, That a committee of one on the part of the Council, together with two members of the House, be and the same are hereby appointed for the purpose of making dilligent enquiry into the amount of appropriations made by the General Government for the erection of Public Buildings in Kansas Territory, and the manner of its disposition. The said committee to report at as early a day as possible to their respective bodies, and furthermore,

Resolved, That the Governor and Secretary, Auditor, Treasurer and all other Federal or Territorial officers be earnestly requested to aid said committee in obtaining all the information within their power touching such appropriations.

Mr. Mitchell moved to amend the resolution by inserting "Comptrollers" instead of Auditors.

The amendment was carried, and the resolution, as amended, was concurred in.

The following Message was received from the Governor through his Private Secretary and read from the Clerk's desk:

EXECUTIVE OFFICE, KANSAS TERRITORY,
January 11, 1859.

To the Honorable the Speaker and Members of the House of Representatives:

In accordance with the resolution passed by your body this day, I herewith enclose the correspondence desired:

LAWRENCE, January 9., 1859.

To his Excellency S. Medary, Governor of Kansas Territory:

I take the liberty of addressing you, although we have had no personal acquaintance. The importance of the subject of which I write, is my excuse.

Unanimously elected Brigadier General of the Kansas Militia, by the last Territorial Legislature, under a law passed by that body, I feel that the position thus claimed by me, though not recognized by the Executive department of the Territorial Government, authorizes me to express to you the following opinions, and to make the following proposition:

A portion of the settlers of the Territory are understood to be under arms, on the South-eastern border, under the Command of Captains Montgomery and Brown. I do not propose to express any opinion as to the causes, that induced the muster.

Although I have held no correspondence with either of these commandants, or those of their command, yet I believe that I have influence with them, and that they will be governed by my advice, if I could see them.

It is understood that a body of United States Troops has been ordered in that direction by you. It is fair to presume that there is danger of a collision; that blood may be shed.

Give me your endorsement to act as Mediator, I will repair without a moment's delay to these men, and I have no doubt that I can procure their disbandment, and bring before you without delay:—before the Kansas Legislature now in Session: or before any tribunal you may name in this country, both the commandants before mentioned. Thus can a collision between the General Government and the people of Kansas be avoided and the spilling of blood prevented.

In making this proposition, I wish it distinstly understood that I will accept no pay for my services, either from the General or Territorial Government, but I am moved only by a sincere desire to restore peace and quiet to that portion of Kansas. Respectfully,

(Signed) J. H. LANE,
Brigadier General Kansas Militia,
Elected by the Legislature.

EXECUTIVE OFFICE, Kansas Territory,
January 10, 1859.

JAS. H. LANE, ESQ.—SIR:—Your favor of the 9th is this moment received. I thank you or any other citizen of Kansas Territory for the offer of their services to put down the Freebooters now desolating the Counties of Bourbon and Linn, and as soon as the Legislature shall provide a law and means for that purpose, and the difficulties shall not previously be settled, I shall give due notice to the public, for such aid as I shall want. Respectfully,

(Signed) S. MEDARY.

Mr. Lewis from the Judiciary Committee, submitted the following report:

The Judiciary Committee, having under consideration that portion of the Governor's Message touching the Bourbon and Linn disturbances, ask leave to submit the following report:

The Governor is the Commander-in-Chief of the military forces in the Territory of Kansas, by the Organic Act, and he is also at the head of the Executive Department. Occupying the position that he does, it would be, perhaps out of place for us, at this time, to dictate or remind him of his duteis in regard to protecting the lives and property of the citizens of Kansas.

We have examined our several Statutes in relation to the law and crimes committed within our borders, and find a law and penalty attached for every grade of crimes known by the well established Criminal Codes.

Therefore, we are of the opinion that further legislation at this time is inexpedient, on that subject.

All of which is respectfully submitted.

W. L. LEWIS,
Chairman of Judiciary Committee.

Mr. Roberts, of Leavenworth, moved that the report be adopted, and referred to the Select Committee on the Linn and Bourbon county difficulties. Carried.

Mr. Branscomb, from Committee on Ways and Means, reported back House Bill No. 30, without amendments, and recommend its passage.

The Bill was read a second time.

Mr. Mitchell moved that the rules be suspended, and the Bill put on a third reading. Carried.

The House went into Committee of the Whole, on the consideration of the Bill, Mr. Mitchell in the chair, and, after some time spent therein, the Committee rose and reported back the Bill, with the following amendments, recommending its passage:

ADDITIONAL SECTIONS.

SEC. —. That all collectors of Territorial taxes shall receive at par all Territorial Scrip that may be offered.

SEC. —. That the time for completing the assessments in the several counties of this Territory, for the year 1858, be, and the same is hereby extended until the first day of February, 1859.

The amendments of the Committee of the Whole were adopted, and the Bill, thus amended, was passed,

On motion of Mr. Roberts, of Leavenworth, the title to the Bill was amended, by inserting, " to provide for the Reception of Territorial Scrip."

On motion of Mr. Danford, the title of the Bill was further amended as follows:

"An Act extending the time for the Collection of Taxes and making Assessments in the Territory of Kansas, and to provide for the reception of Territorial Scrip."

The title, as amended, was agreed to.

Message from the Council:

Mr. Speaker—I am instructed to inform you that the Council has passed the following Preamble and Resolutions, entitled "Joint Resolutions asking for an addition of twenty days to the present and future sessions of the Legislative Assembly of Kansas Territory."

A. SMITH DEVENNY,
Secretary of Council.

Mr. Mitchell moved that the rules be suspended, and the Joint Resolutions of Council, in regard to extending the time of the session of the Leglslature, be taken up. Carried.

Mr. Mitchell moved that the words "and future" be stricken out of the first resolution. Carried.

The first resolution, as amended, was adopted.

The second resolution was then adopted.

The preamble was also adopted.

On motion of Mr. Roberts, of Leavenworth, the resolutions were read the third time and passed.

The Preamble and title were adopted.

Mr. Barry, from the Committee on Agriculture, submitted the following report:

To the Honorable the Speaker of the House of Representatives:

The Committee on Agriculture and Manufactures, having had under consideration House Bill No. 18, entitled "An Act for the Extermination of Wolves," report back the same as amended, by substituting the following Bill, entitled "An Act to encourage more effectually the Destruction of Wolves," and recommend its passage.

A. BARRY, Chairman.

The House went into Committee of the Whole, on consideration of the Bill, Mr. Roberts in the chair, and, after some time spent therein, reported back the Bill, without amendment, recommending its passage.

On motion of Mr. Roberts, of Leavenworth, the rules were suspended, and the Bill was read a second time.

Mr. Danford offered the following additional Section:

SEC. 2. All Acts and parts of Acts conflicting with the provisions of this Act be, and the same are hereby repealed.

Adopted.

On motion of Mr. Roberts, of Leavenworth, the rules were suspended, and the Bill put on its final passage.

On motion of Mr. Stevenson, the Bill was passed, and the title adopted.

Mr. Morrow introduced the following resolution:

Resolved, That the courtesies of the House be extended to Judge Wakefield for his patriotic services, and that the Sergeant-at Arms be hereby directed to admit him within the bar.

Mr. Lewis, from the Joint Committee on the part of the House to present names for Codifying Commissioners, submitted the following report:

Wm. Stevens, J. H. Lane, M. W. Delehay, E. G. Lowman, O. B. Holman.

Mr. Branscomb moved that the report be laid on the table, and made the special order for to-morrow, at 9 o'clock.

Adjourned.

Attest, B. P. AYERS, Clerk.

WEDNESDAY JANUARY 12, 1859.
NINE O'CLOCK, A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read, amended and approved.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform you that the Council have passed Council Bill, No 6. entitled "An Act to amend an Act entitled 'An Act to Incorporate the Blue River Bridge Company;'" and the concurrence of the House is respectfully asked.

Attest: A. SMITH DEVENNEY,
Sec'y. of Council.

On motion of Mr. Roberts, of Leavenworth, the House went into an election, *viva voce*, for three Commissioners, to codify the laws.

The following was the result of the

FIRST VOTE.

Whole number of votes cast, 32.

Necessary to a choice, 17.

Wm. Stephens	had	3	votes.
Wm. McKay	"	4	"
E. S. Lowman	"	12	"
W. A. Phillips	"	1	"
James McCahon	"	7	"
Kingman	"	4	"
H. S. Walsh	"	1	"

No election.

SECOND VOTE.

Whole number of votes cast, 32.

Necessary to a choice, 17.

Wm. McKay	had	18	votes.
E. S. Lowman	"	12	"
W. Stevens	"	1	"
James McCahon	"	1	"

Mr. McKay, having received a majority of all the votes cast, was declared duly elected one of the Commissioners to codify the Laws.

THIRD VOTE.

Whole number of votes cast, 30.

Necessary to a choice, 16.

E. S. Lowman	had	17 votes.
James McCahon	"	10 "
W. Stevens	"	3 "

Mr. Lowman having received a majority of all the votes cast, was declared duly elected.

FOURTH VOTE.

Whole number of votes cast, 32.

Necessary to a choice, 17.

James McCahon	had	23 votes.
W. Stevens	"	5 "
J. L. Pendery	"	2 "
Wm. Perry	"	2 "

Mr. McCahon, having received a majority of all the votes cast, was declared duly elected.

Mr. Clark presented a petition from D. D. Dodge and 32 others, for chartering a Ferry at Kickapoo.

Referred to Committee on Public Roads.

Mr. Wright presented a petition from R. C. Anderson, and 13 others, for a Territorial Road from Wyandott to the Kansas Line, by way of Leavenworth.

Also, a petition from Charles Chadwick, and 18 others, for the same; Both of which were referred to Committee on Public Roads.

Also, a remonstrance from R. C. Anderson, and 104 others, against any division of Leavenworth county.

Referred to Committee on Counties and County Lines.

Mr. Canniff offered the following resolution:

Resolved, That Afternoon Sessions, for the balance of this week, be dispensed with, for the benefit of the Standing, and other Committees of this House.

Adopted.

Mr. Lewis, from the Judciary Committee, submitted the following report:

The Judiciary Committee, having had the following described bills under consideration, beg leave to submit the following report:

Having examined House Bill No. 10, "An Act to amend an Act entitled 'An Act to establish a code of Civil Procedure.'"

Also, House Bill No. 11, "An Act concerning Service of Civil Process."

Also, House Bill No. 21, "An Act relative to Jury Fees."

Also, House Bill No. 33, "An Act relative to the acknowledgment of Deeds and other writings."

Also, House Bill No. 39, "An Act authorizing Lykins county to negotiate a loan."

We therefore report said Bills back to the House, and would recommend their passage.

W. L. LEWIS,
Chairman of Judiciary Committee.

The Bills were, on motion, laid on the table, and ordered to be printed.

Mr. Danford moved to amend the 49th Rule of the House, by strking out the words "committed to the Committee of the Whole," and inserting, in lieu thereof, "Laid on the table and ordered to be printed." Carried.

Mr. Wright, from the select committee on the Governor's Message relative to the Linn and Bourbon county difficulties, submitted the following minority Report:

The committee to whom the Message of the Governor on the subject of the difficulties in South-Eastern Kansas [was referred] report:

That they have secured the statements of the Governor, and we are satisfied, not only from his statement but from other evidence, that the counties of Linn and Bourbon are suffering, and have been for the last year, almost unparalleled evils from the presence of armed bands of men in their midst.

In May last an armed band, under Charles A. Hamilton, collected together eleven of the citizens of Linn county and marched them a short distance, and shot down the whole number, killing immediately five of these unfortunate men. Such a cold blooded outrage [has] had no parallel in our country.

Not one of these men, so slain, had at any time been engaged in the previous troubles, but were considered conservative men, and opposed to force on either side.

This outrage struck horror into the public mind, and the border was deserted for miles on each side of the State line, and when one occasional inhabitant was seen, he was always armed for any emergency. Previous to this occurrence, Captain Montgomery had organized a band of men and ordered from the Territory certain Pro-slavery men, and this was the only excuse of Hamilton for the outrage perpetrated on these innocent men.

The assertion that Hamilton's wife had been outraged or insulted by Montgomery or his men was not true, but the fact was, Hamilton and his band was afraid to meet the band of Montgomery and these murders were base acts of cowardice to wreak revenge on some one where there would be no danger.

In a few weeks afterwards Gov. Denver visited the county of Bourbon and peace was restored for the time, but in a short time Capt. Montgomery is found again at the head of his band, and in company with John Brown, invading Fort Scott, and entering the State of Missouri as detailed in the Governor's Message, and ruin and dessolation have settled down on two of the most beautiful counties in Kansas.

In that part of the Territory there are but few Pro-slavery men, and these men now have to live on men of different political sentiment, and friends and foes suffer alike, for it is but little difference to any one whether his last loaf of bread is eaten up by pretended friends or open enemies.

The committee are clearly of the opinion that all armed bands should be dispersed,and the law sshould be be sustained. Kansas has too long suffered in her good name from the acts of lawless men and from the corruption of Federal officers.

The Committee believe the Governor possesses sufficient power to suppress outrages, and would enforce law, but unfortunately now, as in the past time, the officers at Washington interfere and direct a policy that only adds to the power of bad men, and paralyzes the efforts of those who wish to sustain law. The policy of the General Government of offering a reward of five hundred dollars for Capt. Montgomery and Brown will not succeed. The man of Kansas that would for a reward deliver up a man to the General Government, would sink into a grave of an Arnold or Judas. While such is public sentiment, we believe a large portion of our people would march under the flag of their country to arrest Montgomery or any other violator of law; but such have been the acts of the General Government in this Territory, that public sentiment will not permit any person to receive the gold of the General Government as a bribe to do a duty.

The committee believe that the law cannot be enforced in Linn and Bourbon counties, and that steps ought to be taken to extend the criminal jurisdiction of some other county over those counties, and for this purpose we report a Bill conferring power on the District Court in Douglas county over certain counties therein named. Judge Elmore is Judge of the Court, and has received a large degree of public confidence.

The United States Marshal we believe to be totally unqualified to perform his duty, and the President ought to remove him and appoint a man of nerve, if he has any of that kind of stock on hand.

The Marshal, by act of Congress, (see vol. 10, page 99, Acts of Congress,) can call to his aid in serving writs, all the men in this Territory, and has funds to pay three dollars per day for each man, and we are satisfied that if the Marshal had the proper nerve he could arrest any person he might desire, and it is his duty to execute his writs or resign his post.

The Marshal has men as his deputies [who,] if permitted for the next thirty days to perform the duties of his office, will execute any writs that may be desirable to execute, and will conquer a peace.

The Committee therefore report the Bill herewith, and the following resolutions:

Resolved, That this Legislature will sustain the Governor in all proper efforts to enforce law, and to maintain the peace of the Territory.

Resolved, That the United States Marshal be requested to use every effort to enforce the law, and to use every power placed in his hands for that purpose, and the Legislature is satisfied that Capt. Sam. Walker can, as his deputy, serve the process now issued, or that may hereafter issue, and if necessary to call out a force under the Act of Congress, can and will do it so as to do his duty and execute the law.

Resolved, That the law must be enforced in Kansas, and violence of all kinds be suppressed, and officers who will not do their duty must be superseded.

Resolved, That the Governor be requested to offer a reward of five hundred dollars for the apprehension of Chas. A. Hamilton, and of one hundred dollars for either of the other persons engaged in the murders of 19th of May, A. D. 1858, and that he make requisitions on any State where they may be found.

Resolved, That one thousand copies of the Governor's Message and of this report, be published for the use of this House.

JOHN W. WRIGHT,
JAMES L. McDOWELL,
T. R. ROBERTS,
W. SPRIGGS.

Mr. Canniff, from the Select Committee on the Governor's

Message, relative to the Linn and Bourbon County difficulties, submitted the following minority report:

The undersigned, being unable to agree with the majority of the Special Committee, to which was referred the message of the Governor, purporting to be a statement of the difficulties, said to be existing in Bourbon and Linn counties, in this Territory, have had the same under consideration, and respectfully report, that they do not consider the information contained in the Governor's communication sufficiently satisfactory to warrant the recommendation, by the committee, of any decisive measures on the part of the House, until more satisfactory information is received, and they respectfully recommend the adoption of the following resolutions:

Resolved, That a committee of three members of this House be appointed by the Speaker, whose duty it shall be to proceed forthwith to the scene of reported difficulties in Bourbon and Linn Counties, and institute a thorough investigation of said supposed difficulties.

Resolved, That said committee have power to send for persons and papers, to administer oaths, and perform all such other duties, as in their judgment they may deem necessary to promote the objects of their investigation.

Resolved, That the sum of two hundred and fifty dollars, or as much thereof as may be necessary, be appropriated to defray the expenses of said committee in the performance of their duties.

Resolved, That the members of said committee be excused from service in this House while performing the duties herein assigned them. Respectfully submitted,

H. J. CANNIFF,
GEO. GRAHAM,
S. S. VAILE.

On motion of Mr. Roberts, of Leavenworth, the House received both reports.

On motion of Mr. Roberts, of Leavenworth, the majority report was taken up and amended by striking out the word "proper," and inserting in its place the word "legal."

Mr. Roberts, of Bourbon, moved the adoption of the majority report.

Mr. Canniff moved, as an amendment, the adoption of the minority report.

Mr. McDowell moved, as an amendment to the amendment, the reference of both reports to a select committee of five. Carried.

Messrs. Clark, Bailey, Barry, Wider and Finch, were appointed as that select committee.

Mr. Mitchell moved that the rule be suspended, and the report made the special order for this evening at 7 o'clock. Carried.

Mr. Danford moved that when the House adjourn it adjourn to meet at 7 o'clock this P. M. Carried.

Message from the Council:

Mr. Speaker:—I am instructed to inform the House of Representatives, that the Council have concurred with the House in the selection of the following named persons to act as Commissioners to prepare a Code of Laws for the Territory of Kansas, namely: Wm. McKay, E. S. Lowman, Jas. McCahon.

Attest, A. SMITH DEVENNEY, Sec. of Council.

Mr. McDowell introduced House Bill, No. 61, "An Act to Divorce Horatio F. Bordwell and Susan D. Bordwell.

Referred to a select committee, consisting of Messrs. McDowell, Clark, Scott, Irvin, Allison.

Also, House Bill No. 62, "An Act in relation to the Little Arkansas river."

Referred to Committee on Public Roads.

Mr. Bailey introduced House Bill No. 63, "An Act to locate and construct a Territorial road from Atchison to Emporia.

Referred to Committee on Public Roads."

Adjourned.

EVENING SESSION.

Seven o'clock P. M.

Message from the Council.

Mr. Speaker:—I am directed by the Council to inform the

House of Representatives that the Council have passed Council Bill No. 7, entitled "An Act to authorize John Hoar and James M. Whittemore to establish a ferry across the Big Blue river at Manhattan city." Also, passed Council Bill No. 17, entitled "An Act to charter a ferry across Kansas river," in which the concurrence of the House of Representatives is respectfully requested.

Attest, A. SMITH DEVENNEY, Sec'y of Council.

Mr. Irvin introduced House Bill No. 64, "An Act to define the jurisdiction of Notaries Public."

Referred to Committee on Judiciary.

Also, House Bill No. 65, "An Act to incorporate the Grace Church, in the city of Atchison."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 66, "An Act defining punishment in cases of Assault and Battery."

Referred to Committee on Vice and Immorality.

Also, House Bill No. 97, "An Act to regulate the rate of Interest."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 68, "An Act to incorporate the Monroe Town Company."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 69, "An Act legalizing Trust Deeds."

Referred to Committee on Judiciary.

Mr. Branscomb, from the Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means, having had House Bill No. 23 before them for consideration, beg leave to report—

That a General Act, passed by this House, on the 11th inst., entitled "An Act extending the time for the collection of taxes in the Territory of Kansas," effects the same object as contemplated by said House Bill No. 23, and we therefore recommend the indefinite postponement of said Bill.

Mr. Wright moved that House Bill No. 23 be indefinitely postponed. Carried.

Mr. Spriggs introduced House Bill No. 70, "An Act to repeal an Act fixing the county seat of Anderson county at Shannon, and provide for its location by election."

Referred to Committee on Judiciary.

Mr. Marsh introduced House Bill No. 71, "An Act to locate and establish a Territorial road from Leavenworth city to Topeka."

Referred to Committee on Public Roads.

Mr. Roberts, of Leavenworth, presented petitions from John W. Robinson and 229 others, for a ferry across the Big Blue River at the present crossing.

Also, from Isaac T. Goodnow and 57 others, for the same.

Referred to Committee on Public Roads.

Mr. Lewis, from Judiciary Committee, submitted the following report:

The Judiciary Committee, having under consideration House Bill No. 40, "A Bill to authorize certain Indians to sue and be sued," report the same back to the House, and would recommend the same to be indefinitely postponed.

W. L. LEWIS, Chairman.

Mr. Walters, from the Judiciary Committee, reported back House Bill No. 40, and recommended its indefinite postponement.

Mr. Branscomb presented the petition of G. W. Higgenbotham and 68 others, for a ferry across the Big Blue river at the present crossing.

Also, from A. Gordon and 24 others, for the same.

Referred to Committee on Public Roads.

Mr. McDowell, from select committee, to whom was referred House Bill, No. 61, submitted the following report:

The special committee, having House Bill No. 61 under consideration, beg leave to report the same back to the House, and would recommend its passage by the House.

Mr. Lewis moved that the Bill be indefinitely postponed. Lost.

Mr. Wright moved to refer the Bill to Committee on Vice and Immorality. Lost.

Bill laid over.

Mr. Canniff, from the Committee on Counties and County Lines, submitted the following report:

The Committee on Counties and County Lines, have had under consideration House Bill No. 38, entitled "An Act to locate the county seat of Marshall county," report the same back to the House, with amendments, and recommending its passage.

H. J. CANNIFF, Chairman.

Mr. Clark, from the select committee, to whom was referred the majority and minority reports, upon the Linn and Bourbon county difficulties, submitted the following report:

The undersigned, special committee, to whom were referred the majority and minority reports of the select committee of seven, on the subject of the difficulties in south-eastern Kansas, ask leave to report—

That we have attended to the duty assigned us, and having had the subject under consideration, we are satisfied from the evidence before us that the counties of Bourbon and Linn are suffering, and have been for the last year, unendurable evils, from the presence of armed bands of men in their midst, and also from murderous forays from beyond the borders of the Territory;

That numerous robberies and murders have been committed, and the peaceful pursuits of industry almost wholly interrupted within their limits.

The offenders as yet remain unpunished, setting the law at defiance with impunity.

These disturbances are of such a nature as seriously to threaten a complete rupture of the friendly relations now existing between the citizens of this Territory and those of the State of Missouri, and in our judgment require prompt and decisive action for their suppression, and for the vindication of the supremacy of the law.

We, therefore respectfully recommend the adoption of the following resolution:

Resolved, That this House will cordially sustain the Governor of the Territory in all legal measures to enforce the law, to quell disturbances, to protect the citizens, and restore peace to the Territory.

All of which is respectfully submitted.

A. N. CLARK.
L. D. BAILEY.
ABRAHAM BARRY.
HARRISON WEIDER.
FRANKLIN FINCH.

On motion of Mr. Mitchell, the report was received.

Mr. Danford introduced House Bill No. 72, "An Act to establish a ferry across the Big Blue river."

Referred to Committee on Public Roads.

Mr. Roberts, of Leavenworth, introduced House Bill No. 73, "An Act to amend an Act entitled 'An Act to charter a Ferry across the Missouri river.' "

Referred to Committee on Federal Relations.

Mr. Danford moved to take up House Bill No. 74, "An Act to extend the criminal jurisdiction of Douglas county." Carried.

On motion of Mr. Wright, the Bill was read a second time.

Mr. Mitchell moved the following amendment to the Bill:

SEC. 12. That the expenses of all prosecutions under this Act shall be paid by the county or counties in which the crimes have been committtted, unless collected from the criminal after conviction, or from the United States.

On motion of Mr. Danford, the rules were suspended, and the Bill was read a third time.

The question being " Shall the Bill pass ?"

Mr. Allison called for the yeas and nays.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Canniff, Curtiss, Clark, Danford, Finch, Holaday, Holmes, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts, of Bourbon, Roberts, of Leavenworth, Scott, Silvers, Wider, Wood, Walters—27.

The gentlemen voting in the negative were Messrs. Bailey, Graham, of Nemaha, Stevenson, Spriggs, Townsend—5.

On motion of Mr. Wright, the words "and for other purposes" were added to the title, and the title was agreed to.

Adjourned.

Attest: B. P. AYERS, Clerk.

THURSDAY, JANUARY 13, 1859.
NINE O'CLOCK, A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read, amended and approved.

Mr. Barry presented a petition from Peter Warner and one hundred and nine others, for a ferry across the Big Blue at Manhattan.

Referred to Committee on Public Roads.

Mr. Vaile presented a petition from Frank Edwards and twenty-six others, for a ferry across the Big Blue river.

Referred to Committee on Public Roads.

Mr. Allison offered the following resolution:

Resolved, By the House of Representatives, (the Council concurring) that the Commissioners selected to codify the laws, be and are hereby authorized to employ such clerical force as may be required by them in the performance of their duties.

Adopted.

Mr. Canniff introduced House Joint Resolution No. ——, requiring the Governor to offer rewards in certain cases.

Referred to a Select Committee consisting of Messrs. Mitchell, Canniff and Bailey.

Mr. Vaile gave notice, that he would, at an early day, introduce a Bill chartering a ferry across the Big Blue river.

Mr. Roberts, of Leavenworth, from Committee on Federal Relations, reported back House Bill No. 28 without amendments, and recommended its passage.

Mr. Lynde, from Committee on Public Roads, to whom were referred House Bills No. 4 and 16, reported the same back and recommended their passage.

Mr. Mitchell, from Select Committee, to whom was referred House Bill No. 41, reported back a substitute, and recommended its passage.

Mr. Mitchell, from Joint Committee to examine the accounts of the Comptroller and Treasurer, submitted the following report:

To the House of Representatives of the Territory of Kansas:

The Committee appointed to examine the accounts of the Comptroller and Treasurer of the Territory of Kansas, in pursuance of the statutes passed in the year 1855, chapter 158, ask leave to make the following report:

That said Committee met in accordance with the provisions of law at the seat of Government, and proceeded to examine the books, accounts, and vouchers of said officers, it appearing from such examination, that when the present incumbent of the office of Comptroller was appointed, that the books of his predecessor showed an indebtedness of $7,150.94. But the actual indebtedness of the Territory was ascertained at that time to be, after deducting amounts credited to sundry counties, but not paid into the Treasury, $9,954.88—that is to say the whole amount of expenditure of the Territory up to March 1st, 1857, was $11,766.76. The amount of cash actually paid to the Treasurer was $1,811.88, leaving a balance, as above stated, of actual indebtedness at that date $9,954.88.

For a statement of the condition of the revenue, and amounts of expenditures of the Territory, including all transactions to 31st December, 1858, which statement corresponds fully with the examination of the books, accounts and vouchers, made by your committee, we would respectfully refer you to the full and able reports of the Comptroller and Treasurer of the Territory herewith submitted.

In conclusion, we would especially direct your attention to the suggestions made in the report of the Comptroller, with reference to both change and modification of the laws for the better management of the fiscal affairs of the Territory. All of which is respectfully submitted,

ANDREW J. MEAD,
ROBERT B. MITCHELL,
FRANKLIN FINCH.

The Speaker introduced the following correspondence, which,

On motion of Mr. Roberts, of Leavenworth, was read and laid on the table.

To the Speaker of the House of Representatives of the Legislative Assembly of Kansas Territory:

Sir:—I herewith transmit to you, to be placed before the

House, copies of a correspondence which has passed between myself and Secretary Walsh in regard to the printing which the House has elected me to do. It will be seen from this correspondence that Mr. Walsh refuses to regard the action of the House in choosing its printer, and, also, refuses to pay for the printing which he has already done, or may yet do. Under these circumstances, I place the whole matter before the House for such action in the premises as it may deem proper.

Respectfully,
T. DWIGHT THACHER,
Printer to the House.

CORRESPONDENCE.

LETTER TO MR. WALSH.

REPUBLICAN OFFICE,
LAWRENCE, January 11, 1859.

To the Hon. Hugh S. Walsh, Secretary of Kansas Territory:

SIR:—I have this day been elected and qualified as the Printer for the House of Representatives of the Legislative Assembly of Kansas, now in session in this city. Their orders for printing are already before me, some of which I have executed. As you are the agent for the disbursement of the moneys of the people of Kansas, appropriated by Congress to defray this, among other expenses of the Legislative Assembly, I have deemed it proper, respectfully to enquire of you, whether you will respect this action of the House of Representatives and pay such bills as may justly accrue for the printing which from time to time it may order me to do. By giving this an answer at your earliest convenience, you will much oblige.

Yours Respectfully,
T. DWIGHT THACHER.

MR. WALSH'S REPLY.

LAWRENCE, KANSAS TERRITORY,
January 11, 1859.

MR. T. DWIGHT THACHER—*Sir*—Previous to the commencement of the Session, I applied to the Secretary of the Treasury for instructions respecting the expenses of the Legislative Assembly, and have received the answer of the first Comptroller, to whom my application was referred, which I will take pleasure in showing you, at any time, at my office in Lecompton, in which he says, that such officers as are allowed by law, and no others, can be paid by me; and refers me to that portion of the Organic Act which prescribes that a chief Clerk, one Assistant, a Sergeant-at-Arms and Door-Keeper may be chosen for each House, *but no other officer shall be paid by the United States.*

By the Organic Act, it is made the duty of the Secretary of the Territory to make his disbursements under the directions of the Secretary of the Treasury, and also it is made the duty of the Secretary of the Territory to provide for the Session of the Legislative Assembly, to superintend the printing of the Laws and defray the incidental expenses, under his instructions; and in order to do this economically, it is necessary for him to make proper arrangements in time for that purpose.

With a proper appreciation of my duties as Secretary of the Territory, I have made all these arrangements, and have engaged Mr. J. K. Goodin to print the Journals, and also perform such other necessary incidental printing as may be necessary for the Legislative Assembly, and he has been performing this work to my satisfaction, and I see no cause to change the arrangement.

As disbursing agent of the United States I must obey my instructions according to the laws thereof, and cannot recognize an officer appointed by the Legislature, in the face of my instructions to the contrary.

I am, Sir, Your very obedient Servant,
HUGH S. WALSH, Sec'y. K. T.

Mr. Roberts, of Leavenworth, introduced the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish to this House, such instructions as he may have received from the Secretary of the Treasury of the United States, relative to the printing and other incidental expenses of the Territorial Legislature.

Adopted.

Mr. Canniff introduced House Bill No. 76, "An Act to abolish slavery and involuntary servitude in the Territory of Kansas."

Referred to Judiciary Committee.

On motion of Mr. Morrow, House Bill No. 28, was taken up and read a second time.

On motion of Mr. Roberts, of Leavenworth, the rules were suspended, and the Resolution was read a third time and passed.

On motion of Mr. Morrow, the preamble and title were agreed to.

On motion of Mr. Lewis, House Bill No. 4 was taken up.

On motion of Mr. Vaile, the rules were suspended, and the Bill read a second time.

On motion of Mr. Danford, the Bill was laid on the table and ordered to be printed.

Mr. Branscomb introduced House Bill No. 77, an Act abolishing all laws establishing or recognizing slavery in the Territory of Kansas.

Referred to Committee on Judiciary.

On motion of Mr. Spriggs, House Bill No. 27 was taken up and read a second time.

On motion of Mr. Spriggs, the rules suspended, and the Bill read a third time and passed.

The title was agreed to.

Mr. Wright introduced a communication from Wm. Hutchison, Esq., which was read and laid on the table.

Mr. Branscomb introduced House Bill No. 78, "An Act to incorporate the South Platte Dam and Sluice Company."

Referred to Committee on Corporations and Banking.

Mr. Lewis introduced House Bill No. 79, "An Act to incorporate the Lecompton Bridge Company."

Referred to Committee on Corporations and Banking.

Mr. Scott called for the reading of a deposition relative to House Bill No. 61.

Mr. Bailey moved that the Bill be indefinitely postponed, upon which the yeas and nays were called for.

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Bailey, Curtiss, Danford, Dickerson, Finch, Graham, of Nemaha, Holaday, Holmes, Lewis, Lynde, Lockhart, Marsh, Morrow, Medill, Roberts, of Leavenworth, Stevenson, Spriggs, Silvers, Townsend, Vaile, Wider, Woodward—24.

The gentlemen voting in the negative were Messrs. Allison, Canniff, Clark, Irvin, McDowell, Mitchell, Roberts, of Bourbon, Scott—8.

Mr. Graham, of Nemaha, offered the following resolution:

Resolved, That the Clerks of this House be instructed not to furnish any of the business of this House for printing to any other person except the printer elect for this House, without leave of the House.

Mr. Larzalere moved to amend by excluding reporters for the Press from the operation of the resolution.

The amendment was carried.

On motion of Mr. Roberts, of Bourbon, the resolution and amendment were referred to the Committee on Phraseology.

Adjourned.

Attest, B. P. AYERS, Clerk.

FRIDAY, JANUARY 14, 1859,
NINE O'CLOCK A. M.

Prayer by the Chaplain.

Journal of yesterday's proceedings was read and approved.

Mr. Canniff presented a petition from Wm. P. Curry and 300 others, for a new county.

Referred to Committee on Counties and County Lines.

Mr. Barry presented a petition from the citizens of Dickerson county, to establish the county seat of said county.

Referred to Committee on Counties and County Lines.

Mr. Scott introduced the following resolution:

Resolved, That the Committee on Public Roads be and is hereby instructed to report a Bill for the location of a Territorial road, leading from Leavenworth city to Fort Kearney.

Adopted.

Mr. Clark introduced House Bill No. 80, "An Act to charter a ferry across the Missouri river."

Mr. Scott offered the following resolution:

Resolved, That the Sergeant-at-Arms be, and is hereby required to furnish each member of this House with one number of each daily, extra and weekly newspaper, published in this city of Lawrence, from the present date to the close of the session.

Adopted.

Mr. Barry introduced House Bill No. 81, "An Act to establish a ferry at Newport, Dickens county."

Referred to Committee on Public Roads.

Also, House Bill No. 82, "An Act to incorporate a ferry across the Solomon Fork of the Smoky Hill river, at or near the mouth."

Referred to Committee on Public Roads.

Mr. Canniff introduced House Bill No. 83, "An Act to amend an Act to provide for the organization, supervision and maintenance of Public Schools."

Referred to Committee on Education.

Mr. Roberts, of Bourbon, introduced House Bill No. 84, "An Act to establish a ferry at Humboldt, Allen county."

Referred to Committee on Public Roads.

Also, House Bill No. 85, "An Act to locate the county seat of Allen county."

Referred to Committee on Counties and County Lines.

Mr. Barry introduced House Bill No. 86, "An Act to establish a ferry across the Little Arkansas river, at Puebla, Arrapahoe county."

Referred to Committee on Public Roads and Highways.

Mr. Marsh introduced House Bill No. 87, "An Act entitled an Act to exempt real estate and personal property from sale on execution."

Referred to Committee on Judiciary.

Mr. Vaile introduced House Bill No. 88, "An Act for a Territorial road, from the Santa Fe road to Iowa Point."

Referred to Committee on Public Roads and Highways.

Also, House Bill No. 89, "An Act to incorporate the town of Merrimac."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 90, "An Act establishing a ferry across the Big Blue."

Referred to Committee on Public Roads.

Mr. Roberts, of Leavenworth, presented a memorial from Henry S. McLelland, relative to a stay law.

Referred to Committee on Judiciary.

Mr. Danford, from the Committee on Phraseology, to whom was referred the resolution prohibiting the Clerk from furnishing the proceedings of this House to any person except the Printer elect, submitted the following report:

Your committee having had the resolution under consideration, would respectfully submit the following substitute, and recommend its adoption by the House:

Resolved, That the Clerk be instructed not to furnish any of the proceedings of this House to any person, or persons, except the Printer elect, and Reporters for the Press.

A. DANFORD, Chairman.

Mr. Holmes, from the Committee on Public Institutions, made the following report:

We, the Committee on Public Institutions, having had [under consideration] House Bill No. 60, relative to the location for the Capitol of Kansas Territory, beg leave to report the same back to the House and recommend its passage.

Laid over under the rule and ordered to be printed.

Also, House Bill No. 25, report the same back to the House, and recommend the same to be indefinitely postponed.

Report concurred in.

Mr. Lewis, from Committee on Judiciary, reported back House Bill No. 42, relative to the repeal of certain sections of the Criminal Code, approved Feb. 12, 1858, and recommended its passage.

Report received, and Bill ordered to be printed.

Mr. Holmes, from Committee on Public Institutions, reported back House Bill No. 37, and recommended its passage.

Report received, and Bill ordered to be printed.

Mr. Lewis, from the Committee on Judiciary, reported back House Bill No. 76, relative to slavery and involuntary servitude in the Territory of Kansas, with the following amendment, after the word forever: "Be it abolished and prohibited," and recommend its passage as amended.

Also, House Bill No 29, relative to an Act entitled "an Act establishing the office of Land District Recorder," with the following amendments: "To read after the word repeal, 'this Act to take effect and be in force from and after the first day of March, 1859,'" and so amended, recommend its passage.

Also, House Bills No. 9 and No. 77, for the abolition of Slavery, and recommend the same back for the consideration of the House.

Mr. Branscomb moved that all Bills in the hands of the Committee be ordered to be printed. Adopted.

Mr. Danford offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure and furnish suitable rooms for the use and accommodation of the Board of Codifying Commissioners.

Adopted.

Mr. Wright offered the following resolution:

Resolved, As His Excellency Sam. Medary, in his message to the Legislature at the commencement of this session said—"that to the victors properly belong the spoils," and the naming of the counties in this Territory being a most valuable part of the spoils of our history, that this House must appoint a committee of three to report a Bill to change the names of such counties as have been named in honor of Border Ruffians, and that said Committee name said counties after those persons who sacrificed their lives for the freedom of Kansas.

Adopted.

The Chair appointed as Committee, Messrs. Wright, Roberts, of Bourbon, Dickerson.

Mr. Danford offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to report upon House Bill No. 6, to-morrow morning, at 9 o'clock.

Adopted.

Mr. Vaile introducec House Bill No. 90, "An Act to establish a ferry across the Big Blue river."

Referred to Committee on Public Roads.

Mr. Finch asked and obtained leave of absence till Monday.

Mr. Scott offered the following resolution:

Resolved, That a committee of three be appointed by the Chair to inquire into the peculiar position of the printing business of this House; that said Committee be required to confer with His Excellency Secretary Walsh, the Public Printer elect, and other interested parties, and report to this House, at their earliest convenience, the result of their inquiries.

Adopted.

The Chair appointed on said Committee, Messrs. Scott, McDowell, Allison.

Mr. Branscomb, from Committee on Ways and Means, reported back House Bill No. 22, entitled "An Act to increase the county revenue," with the following amendments, and so amended, recommended its passage:

SECTION 1. Strike out the words, "by less measure than one quart," and insert the following, to wit: "no less quantity than ten gallons."

SEC. 2. Strike out the words, "by less measure than one quart," and insert "in a less quantity than ten gallons."

SEC. 6. Strike out the words, "in less quantities or by less measure than one quart," and insert the following: "In a less quantity than ten gallons."

And the following Section:

SEC. —. Any person who shall adulterate any wine, spirituous or other intoxicating liquors, which are intended for sale by the admixture of deleterious or other substance or fluid therewith, and any person who shall sell, or offer for sale, any wine, spirits, or other intoxicating liquors, which shall have been so adulterated as aforesaid, shall, on conviction thereof, be fined in any sum not less than five nor more than one hundred dollars.

On motion of Mr. Danford the report was received.

Laid on the table and ordered to be printed.

Adjourned.

Attest, B. P. AYERS, Clerk.

SATURDAY, JANUARY 15, 1859,
TEN O'CLOCK. A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read, amended and approved.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform you that the Council have passed House Bill No. 74, entitled "An Act requiring the Judge of the Second Judicial District to hold a Special Term, and for other purposes."

Attest, A. SMITH DEVENNEY,
Secretary of Council.

Mr. Canniff presented a petition from Michael Black and sixty-two others, for a Territorial Road from Uniontown to Council Grove.

Referred to Committee on Public Roads.

Mr. Wright offered the following Preamble and Concurrent Resolutions:

Resolved, by the House of Representatives, (the Council concurring):

WHEREAS, on the 19th of May last, William Colpetzer, Michael Robinson, and William Stilwell, in company with several others, were collected from their fields and workshops, and most brutally murdered by Charles A. Hamilton and others, in Linn county, in this Territory; *and whereas*, the said Colpetzer, Robinson and Stilwell were peaceable and unoffending citizens, heads of families, and settlers on the public lands, and left their families destitute and unable to pay for their lands; therefore,

Resolved, That the Congress of the United States be requested to pass an Act of Congress, donating to the widows of said men each one hundred and sixty acres of land on which they resided at the time of the murders.

Resolved, That a copy of this resolution be sent to our Delegate in Congress, to be presented to said body.

On motion of Mr. Wright, the rules were suspended, the resolutions read a second time and adopted.

Mr. Roberts, of Bourbon, offered the following resolution:

Resolved, That the courtesies of this House be extended to Hon. S. Williams, and that the Sergeant-at-Arms be directed to provide him a seat within the Bar.

Mr. Graham, of Nemaha, from Committee on Claims, reported back House Bill No. 26, entitled "An Act to Incorporate the City of Sumner," and recommend its passage.

Also, House Bill No. 6, entitled "An Act to amend an Act entitled 'An Act to provide for the assessment and collection of Taxes,'" and recommended its passage.

Referred to Committee on Judiciary.

Mr. Lewis, from the Judiciary Committee, reported back House Bill No. 7, "An Act for the Repeal of the Bogus Statutes of Kansas Territory."

Also, House Bill No. 70, "An Act repealing 'An Act locating the County Seat of Anderson County, and providing for the future location of the same by the people,'" and recommended their passage.

Both of which were laid on the table, under the rule.

Also, House Bill No. 69, "An Act legalizing Trust Deeds," and recommended its indefinite postponement.

Report adopted, and House Bill No. 69 indefinitely postponed.

On motion of Mr. McDowell, the Committee on Corporations and Banking was authorized to refer House Bills Nos. 13 and 17 to the Codifying Commissioners.

Mr. Canniff, from Committee on County Lines, reported back House Bill No. 58, relative to subdividing Arrappahoe county, and recommended its passage.

Mr. Roberts, of Bourbon, moved to amend by indefinitely postponing the Bill.

The yeas and nays upon this motion being called for,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Clark, Danford, Dickerson, Graham, of Nemaha, Hovey, Holaday, Holmes, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts, of Bourbon, Roberts, of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Townsend, Wright, Wider, Woodward, Walters.—30.

The gentlemen voting in the negative, were Messrs. Canniff, Irvin and Vaile.—3.

So the motion to postpone was carried.

Mr. Lewis moved a reconsideration of the last vote.

The yeas and nays upon Mr. Lewis's motion were called for, and

The gentlemen voting in the affirmative were Messrs. Allison, Bailey, Canniff, Graham, of Nemeha, Irvin, Lewis, Roberts, of Bourbon, Stevenson, Spriggs, Townsend, Vaile.—11.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Clark, Danford, Dickerson, Hovey, Holaday, Holmes, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts, of Bourbon, Scott, Silvers, Wright, Wider, Woodward, Walters.—22.

So the motion to reconsider was lost.

Mr. McDowell, from Committee on Corporations and Banking, reported back House Bill No. 34, "An Act entitled an Act for the Incorporation of Towns and Villages," and recommended its indefinite postponement.

Mr. Danford moved to amend by referring said Bill to the Codifying Commissioners. Carried.

A communication from the Lawrence Postmaster was presented by the Speaker, and read by the Clerk.

Laid on the table.

Mr. Scott offered the following resolution:

Resolved, That a Joint Committee of two be appointed, on the part of the House, to confer with a Committee of one, to be appointed on the part of the Council, on the subject of framing and preparing a Bill for the action of this House, for establishing a few leading Territorial Roads, with the view of harmonizing the action of the Committees on Public Roads, in the respective Houses.

Adopted, and Messrs. Scott and Stevenson appointed as that Committee on the part of the House.

Mr. Hovey introduced House Bill No. 91, "An Act to incorporate the Spring Hill Cemetery Association."

Referred to Committee on Corporations and Banking.

Mr. Roberts, of Bourbon, offered the following resolution:

Resolved, That the Sergeant-at-Arms be required to procure one dozen chairs for the use of this House.

On motion of Mr. Danford, the House resolved itself into Committee of the Whole, upon House Bill No. 7, "An Act to Repeal the Bogus Statutes of Kansas Territory," Mr. Bailey in the chair.

After some time spent in consideration of the Bill, the Committee rose, and reported it back to the House, with the following amendment:

Insert on Section —— after the words ——— "after the publication of the laws of the present session, by authority."

On motion of Mr. Mitchell, the report and amendment were referred to a special Committee of three—said Committee consisting of Messrs. Mitchell, Allison and Branscomb.

On motion of Mr. Roberts, of Leavenworth, House Bill No. 33, "An Act relative to Jurisdiction," was taken up and read a second time.

Referred to Judiciary Committee, with instructions to report a full Bill.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform you that they have passed Council Bill No. 8, entitled "An Act for the establishment of a University at Lawrence, in the County of Douglas, Kansas Territory," and request the concurrence of the House of Representatives.

Attest, A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Roberts, of Leavenworth, the House dispensed with the rule requiring Bills to be considered in Committee of the Whole, and proceeded to the second reading and consideration of House Bill No 42, entitled "An Act to repeal certain sections therein named, allowing imprisonment for debt in civil actions."

On motion of Mr. Branscomb, the Bill was referred to the Codifying Commissioners.

On motion of Mr. Morrow, the rules were suspended, and the House took up Council Bill No. 8, "An Act for the establishment of a University in Lawrence, Douglas County, K. T.

The Bill was read a second time.

Mr. Mitchell moved its reference to the Committee on Phraseology. Lost.

On motion of Mr. Roberts, of Bourbon, it was referred to a select committee of three, consisting of Messrs. Roberts, of Bourbon, Morrow and Branscomb.

Message from the Council:

MR. PRESIDENT—I am instructed by the Council to inform your

Honorable body that the Council have passed joint resolutions No. 2, and respectfully request your concurrence therein.

Attest, A. SMITH DEVENNY, Sec. of Council.

Mr. Danford offered the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish the Sergeant-at-Arms one dozen chairs for the use of this House.

On motion of Mr. Scott, House Bill No. 10, an Act entitled "An Act to amend an Act to establish a Code of Civil Procedure," was taken up.

On motion of Mr. Wright, the rules were suspended, and the Bill was read a second time.

Mr Danford offered the following amendment:

SEC. —. This Act to take effect and be in force from and after its passage.

Carried.

On motion of Mr. Roberts, of Leavenworth, the Bill was amended by inserting the figures "2 and 3," in numbering the sections, instead of the figures "13 and 14."

Mr. Branscomb moved that the Bill be referred to the Codifying Commissioners, with instructions to report a Bill similar to the provisions of this Bill.

Mr. Barry moved, as an amendment, that the Bill be referred to the Codifying Commissioners, with instructions to incorporate the same in the Civil Code of Procedure.

The amendment prevailed, and the motion as amended was carried.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform the House of Representatives that the Council have concurred in the concurrent resolution, authorizing the Codifying Commissioners to employ such clerical force &c., with an amendment, in which the concurrence of the House is respectfully asked.

A. SMITH DEVENNEY,
Secretary of Council.

Amended by inserting after "force" the words "not to exceed three in number, at a per diem of three dollars while actually employed."

On motion of Mr. Roberts, of Bourbon, the House concurred in the amendment.

On motion of Mr. Branscomb, all the Bills relative to the subject of Slavery were made the special order for Tuesday next, at 10 o'clock A. M.

Mr. Allison offered the following resolution:

Resolved, That a select committee of five be appointed by this House, to enquire into the wants of the western parts of this Territory as to counties, and all necessary laws for the protection of property, life and liberty, and that they be instructed to report a Bill in accordance with this resolution as soon as practicable.

Adopted.

Mr. Roberts, of Bourbon, moved to adjourn. Lost.

Mr. Branscomb moved that Council Joint Resolution No. 2, be taken from the table and read. Carried.

Mr. Lewis moved that it be referred to the Committee on Federal Relations. Carried.

Mr. Barry presented a petition from Ben. H. Keyser and twenty-six others, praying for a ferry across the Big Blue, at its present crossing.

Also, from Wm. H. Worster and fifty-six others, for a ferry across the Kansas river.

Both of which were referred to the Committee on Public Roads.

The following Report was laid upon the table and ordered printed:

REPORT OF GEN. H. J. STRICKLER, COMMISSIONER FOR AUDITING CLAIMS FOR KANSAS TERRITORY.

COMMISSIONER'S OFFICE,
LECOMPTON, K. T., March 7, 1858.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

Pursuant to the provisions of the Laws of Kansas Territory for the year 1857, the undersigned was appointed a "Commissioner to audit and certify all claims" of all and every person or persons who may present the same for consideration, for

1st. (*Public.*) "Moneys actually and necessarily expended for the purpose of maintaining and carrying into effect the laws of the Territory, or for the purpose of suppressing any rebellion or insurrection, whether in sustaining the militia, or any posse of the Marshal, or any Sheriff of any county of the Territory.

2d. (*Private.*) "Claims of all persons who may have sustained any loss or damage in consequence of, or growing out of the difficulties in this Territory, by way of loss of property or consequent expenses at any time since the passage of the Act to organize this Territory, viz: May 31, 1854, in place of Hon. Wilson Shannon, who resigned."

In order to enable all persons to avail themselves of the benefits of the act above recited, the undersigned prepared and caused to be generally published in the newspapers of the Territory, as the earliest and most practicable method of collecting the evidence contemplated, a notice, of which the following is a copy:

"NOTICE TO CLAIMANTS.—Whereas, under the provisions of 'An Act to provide for the auditing of claims,' and the Act supplemental thereto, both passed and approved February 23d, 1857, the undersigned has been appointed Commissioner 'to audit and certify all claims of all and every person or persons who may present the same for consideration' for

"1. (*Public.*) 'Moneys actually and necessarily expended for the purpose of maintaining and carrying into effect the Laws of this Territory, or for the purpose of suppressing any rebellion or insurrection, whether in sustaining the militia or any posse of the Marshal, or any Sheriff of any county of the Territory.

"2. (*Private.*) 'Claims of all persons who may have sustained any loss or damage in consequence of, or growing out of the difficulties in this Territory, by way of loss of property or consequent expenses, at any time since the passage of the act to organize this Territory, viz: May 31, 1854. The said Act provides for the taking of testimony in support of all such claims, collections and certifications of vouchers, and making a true and correct statement in duplicate of all such accounts—and to be laid before the next Congress of the United States, and the other before the next Legislative Assembly of Kansas Territory, to the end that proper and united efforts may be made to obtain from Congress, compensation and indemnity for the losses, expenses, and damages incurred by the citizens of this Territory, without distinction of party.'

"Notice is therefore given that the undersigned will hold Sessions according to the provisions of said Act, as follows:

At Lecompton, Douglas county, September 1st to 1st October.
" Fort Scott, Bourbon county, October 12th and 13th.
" Paris, Linn county, October 14th and 15th.
" Paoli, Lykins county, October 16th and 17th.
" Osawattomie, Lykins county, October 19th and 20th.
" St. Bernard, Franklin county, October 21st and 22d.
" Gum Spring, Johnson county, October 23d and 24th.
" Leavenworth, Leavenworth county, October 26th, 27th and 28th.
" Kickapoo, Leavenworth county, October 29th and 30th.
" Atchison, Atchison county, November 2d and 3d.
" Doniphan, Doniphan county, November 4th and 5th.
" Palermo, Doniphan county, November 6th and 7th.
" Iowa Point, Doniphan county, November 9th and 10th.
" Lawrence, Douglas county, November 16th and 17th.
" Osawkee, Jefferson county, November 20th and 21st.
" Indianola, Calhoun county, November 24th and 25th.
" Tecumseh, Shawnee county, November 26th to 12th December.

"All persons desiring to present their claims will do so in form of a petition, in writing, reciting all the facts and circumstances connected therewith, and bills of items or other vouchers, all duly authenticated under oath, officially certified by officers, civil or military, under whose authority the claims originated. All claims or accounts presented must be supported by the fullest proof possible to be obtained. All property claimed for, must be described with a reasonable certainty, and the value particularized and stated. The testimony of two disinterested witnesses upon a material point will be considered sufficient. As all the proofs and vouchers will have to be thoroughly examined and statistically arranged by the first Monday of January next, or as soon thereafter as possible, it will be necessary for claimants to be in attendance at the times and places above mentioned, with their papers complete, as no testimony otherwise, will be taken before the undersigned, except in extraordinary cases. In order to expedite the business, claimants are requested to have their witnesses in attendance; also, that they may be further examined if deemed necessary. The undersigned would advise claimants to have their papers and proofs prepared with legal accuracy. When sworn to before justices of the peace, the county clerk's certificate and seal should be attached, but it will be more satisfactory to have the proofs all ready and sworn to by the parties and their witnesses in person, before the undersigned.

"The Act above mentioned is broad in its provisions, and citizens of all parties and all parts of the Territory are requested to come forward and present their just claims, and unite their efforts in accomplishing its object, by enabling the undersigned to present a complete, full, fair and impartial statement of the losses, damages and expenses that have been entailed upon the citizens of Kansas, by the political and social questions devolved by Congress upon them for settlement.

"H. J. STRICKLER,
"Commissioner for auditing Claims.

"Lecompton, K. T., Aug. 28, 1857."

"The commissioner deems it expedient to enter upon the discharge of his duties within the thirty day's notice; this is necessary to enable him to make his report as provided by law."

Accordingly, three hundred and fifty claims have been presented under oath, with the corroborating testimony of two or more witnesses. All of which, with the accampanying affidavits and vouchers are hereunto annexed marked A.

To the accompanying exhibit B. your attention is respectfully invited. It is a classification, as far as practicable, of the several claims, the amounts proven, and the awards of the Commissioner under the respective divisions mentioned in said advertisement, public and private.

Upon examination you will find that the whole amount claimed is $301,225. The amount proven and awarded by Commissioner is $254,279.28, of which $38,942.90 is of the public class, and $215, 311.38 is of the private class.

There is no appropriation made by the Territory, nor are there any funds available for the payment of these losses, but the said act contemplated, after a complete collection of the testimony, and the awards made by the Commissioner, that some Congressional provision should be made for the remuneration of individuals who have sustained losses, incident to the unfortunate circumstances under which the Territory was opened for settlement—and which have from time to time been aggravated and increased, either by the policy of the General Government, or the course pursued by a large proportion of the people of the Territory.

The Act organizing the Territories of Nebraska and Kansas, specifically introduced a new and important feature into the policy of the General Government relative to Territories. The old policy directly sanctioned Congressional intervention, and, *prima facie*, left the validity of Territorial laws subject to Congressional approval. The Kansas-Nebraska Bill acknowledged the individual capability of and right of self-government to the people of a Territory, equally with those of a State, so far as local legislation and interests were concerned; and that, while the theory has been fully approved by men of all parties, and the principle has been quietly and peacefully adopted and carried out in our sister Territory of Nebraska, it has been attended with a bloody and fearful struggle, for as long a time on the soil of Kansas—is one of the political anomalies to which the attention of future and disinterested historians will be directed, but one which all who have resided in Kansas during the past three years can readily comprehend.

The Territory of Kansas being the joint and equal property of all the States of the Union, was thrown open for settlements to emigrants from all the States, and the repeal of the Missouri restriction, as well as the decision of the Supreme Court of the United States in the Dred Scott case, by inducing emigrants from Southern States to remove to Kansas with their property and servants, held as property under the laws of the States from which they came, precipitated an issue which time and the sober second thought of the people interested, as manifested at the polls, could only determine satisfactorily to all parties and honorably to our country. But owing to the diverse interpretations given to the Kansas-Nebraska Act, and the much talked of principle of Popular Sovereignty therein contained, an antagonism arose in the opposition manifested by a large proportion of the people of the Territory, to a due acknowledgment of the rights of such emigrants as might be induced to try their fortunes here, by the repeal of the Missouri Compromise and the decision of the Supreme Court, while one portion of the people were in favor of carrying out the doctrine of Popular Sovereignty to its fullest extent, and by reliance upon numerical strength to exclude from the Territory an institution existing in one-half of the Union, and from associations, habits and interests dear to the other portion, who relied upon the declared policy of the general Government, and their acknowledged rights under the constitution and laws of the United States, for protection in the possession of their slave property.

It cannot be denied, that from the commencement of the agitation relative to the organization and opening of the Indian Territory, it was foreseen by statesmen and politicians, in all parts of the Union, that a great principle was to be settled, that public excitement would arise, and that consequences dangerous to the peace and welfare of the Union, might result from attempting to blend together the principle and interests of people from different portions of the Union, who were alike ignorant of the true social condition and views of each other, and equally prejudiced by education and political associations, against what one or the other regarded as inherent and inailenable rights.

The Kansas Nebraska Act, in effect, destroyed all compromises, and virtually acknowledged the right of the people of the South to carry their peculiar institutions and property to the extreme North; while it equally sanctioned the right of the people of the North to emigrate to Territory south of 36 deg. 30 min., and there establish, their views and policy, if numerally superior to those who affiliate in sentiment and action with the people of the Southern States. Kansas, from its salubrity of climate, fertility of soil, commercial advantages, geographical position, and mineral and agricultural wealth, as well as its location near the old compromise line was at once regarded by all parts of the Union, as the decisive spot where the principles referred to were to be definitely settled and the future progress or prohibition of the institution determined.

The issue was made—the trial has been had—the verdict of the people has been rendered, and it becomes the duty of all good citizens, without distinction of party, peaceably to submit to the decission of the majority.

The agitation consequent upon the trial is about to terminate. The majority of the people, in the formation of a State Government will doubtless express and enforce their own views.

While it is a matter of great congratulation that the great issue, with its trials, dangers, losses and difficulties, has thus been brought to a termination, the general Government, as the represantative and agent of all the States, owes to the people of Kansas, to the pioneers, to the settlers, the champions of public opinion in the States from which they came, a debt of gratitude. The United States opened the Territory for settlement under the peculiar circumstances—emigration was stimulated, an ultra political element full of prejudice and sectionalism, which had long disturbed the country, was here brought into the practical issues of life, aggravated by outside interference on the one side, and a total failure upon the part of the 'federal arm' on the other, to preserve the peace, maintain order, and protect the person and property of loyal and peaceable citizens from the outrages of marauders. The apple of discord which had so long created trouble and anxiety in the Halls of Legislation at Washington, was cast among those who had sought to make their homes upon the beautiful prairies of Kansas, and for the contentions that thus arose, the general Government is responsible. It is confidently believed by hundreds of all parties throughout the Territory, that Congress should and would make an appropriation, for the reimbursement and indemnification of those who have sustained losses, directly resulting from the troubles incident to the settlement of the Territory. Political parties and residents of one portion of the Union, or the other, view the acts of their opponents in Kansas unfavorably.

But common justice and a reasonable respect for men who claim the prerogatives of American birthright, demand that the acts of all parties in Kansas, be regarded as the legitimate result of the action of the general Government. The mantle of mutual forgiveness must be spread over all that has passed, and the actors and participants in the Territorial troubles, be regarded by their opponents, as men who zealously contended for their rights, and the establishment of principles in which their faith and confidence was sincere. Making due allowance for each other, under these circumstances, and uniting their efforts to present the facts to Congress, in the manner contemplated by the Act under which this commission originated, not doubting that the many worthy and patriotic men who have sustained losses, will have their grievances redressed by the authority to which they have a right to present their just demands.

In reviewing the evidence, it will be seen that the proof in some cases is comparatively slight, in others overwhelmingly convincing.

It must be borne in mind, that as incident to a state of civil war, the disappearance of individuals, loss of papers, and individual asperities of feeling on the part of persons who might be useful to claimants, are to be expected. The papers herewith submitted are as complete as could be expected under the circumstances.

All of which is respectfully submitted.

H. J. STRICKLER,
Commissioner.

STATEMENT B—Showing the Awards of the Commissioner.

No.	Names of Claimants.	Am't Claimed.	Am't Proven.	Public Class.	Private Class.
1	H. S. Wilson,	$806 49	$497	$497	
2	Daniel F. Greenwood,	530	530	530	
3	Chas. P. Bullock,	460	460	460	
4	J. N. Ragan,	56	56		56
5	Robert Hargrave,	60	60		60
6	Thomas H. Brown,	428	428		428
7	J. H. Little & Co.,	397 38	247	247	
8	B. F. Hill,	342 50	342	342	
9	B. Hill & Co.,	217 30	117	117	
10	Thomas B. Arnett,	714	664	664	
11	B. F. Brantley,	200	200	150	50
12	Thomas L. Day,	260	260		260
13	Samuel Nickel,	927	927		927
14	Oliver Westover,	80	80		80
15	Briscoe Davis,	639 40	639 40	400	239 40
16	Jules Harshaw,	250	250		250
17	James Landers,	156 35	156 35		156 35
18	A. F. C. Hall,	290	290		290
19	William Rogers,	329	300		300
20	Martin P. McDaniel,	225	225		225
21	William P. Collins,	125	125	125	
22	William C. Smith,	105	105	105	
23	James E. Dunlap,	135	135		135
24	R. E. Elliott,	505	505	75	430
25	Henry S. Ritter,	200	200	200	
26	William P. Ritter,	75	75	75	
27	Daniel W. Collis,	905	905		905
28	Samuel Geer,	7,200	7,200		7,200
29	Thomas Rice,	375	375		375
30	P. H. Thomas,	489 10	489 10		489 10
31	Joseph James,	100	100		100
32	A. B. Chambers,	65	65		65
33	James Fuller,	125	125		125
34	James J. Holbrook,	891	891		891
35	John Carr,	76 50	76 50		76 50
36	Morgan Crowhite,	155	155		155
37	Mary E. Partridge,	46	46		46
38	Hugh Kilburn,	280	280		280
39	John Yelton,	549	549		549
40	John Blunt,	160	160		160
41	Calvin Barnard,	30	30		30
42	Abbe C. Sanburn,	223	223		223
43	Robert Reynolds,	535	460		460
44	Wakeman Partridge,	325	325		325
45	Samuel F. Wright,	65	65		65
46	R. D. McCamish,	10,132	9,882		9,882
47	Jos. Merritt,	2,415	1,500		1,500
48	James H. Carter,	537	537		537

No.	Names of Claimants.	Am't Claimed.	Am't Proven.	Public Class.	Private Class.
49	Jared Chapman,	$1,402	$1,368	$	$1,368
50	Carl August Krouse,	76 75	76 75		76 75
51	James C. Evans,	2,295	2,295		2,295
52	James Harris,	375	375		375
53	Martin White,	993	993	26	967
54	James F. White,	113 50	113 50		113 50
55	Griffin White,	208	208		208
56	Allen White,	352 75	352 75		352 75
57	John W. White,	721 75	721 75		721 75
58	Lorenzo Hoyt,	640	640		640
59	Henry Tuley,	250	250		250
60	John A. Baillie,	6,222 40	1,222 40		1,222 40
61	Charles Robinson,	25,800	15,800		15,800
62	Albert D. Searle,	1,338	1,338		1,338
63	George W. Hart,	267	267		267
64	Charles Campbell,	36	36		36
65	Henry M. Simpson,	200	200		200
66	John Hutchinson,	300	300		300
67	G. W. & W. Hutch'n & Co.,	6,650	6,650		6,650
68	William Curry,	627	627		627
69	John M. Banks,	950	950		950
70	James Whitlock,	797	797		797
71	Henry O'Conner,	1,610	1,610		1,610
72	Thomas H. Thomas,	479	479		479
73	William H. Elliott,	140	140		140
74	William S. Wells,	325	325		325
75	Josiah N. Hargess,	990	925	425	500
76	William McKinney,	200	200		200
77	John Sharkey,	4,000	4,000	4,000	
78	Christian Stucks,	90	90	90	
79	H. S. Randall,	1,302	1,302		1,302
80	James Campbell,	1,362 25	1,362 25		1,362 25
81	Joseph Oakley,	1,530	1,530	1,530	
82	Tousan La Heay,	1,360	1,360		1,360
83	James Sutton,	200	200		200
84	George C. Baker,	85	85		85
85	George H. Snyder,	2,165	2,165		2,165
86	George W. Ward,	1,365	1,365		1,365
87	William J. Card,	600	300		300
88	David C. Buffum,	139	139		139
89	Aaron E. Platts,	131	131		131
90	Charles H. Thomas,	150	150		150
91	Wesley Garrett,	737 37	737 37	12 37	725
92	John Stuart,	450	450		450
93	Joel Grover,	230	230		230
94	Samuel N. Simpson,	573	573		573
95	Levi Woodward,	150	150		150
96	John A. Wakefield,	3,808	3,808		3,808
97	James S. Emory,	500	500		500

No.	Names of Claimants.	Am't Claimed.	Am't Proven.	Public Class.	Private Class.
98	Simon Ritter,	$640	$640	$	$640
99	Samuel Fry,	150	150		150
100	Thomas R. Herd,	130	130		130
101	George Earle,	242	172		172
102	Abraham Weilder,	2,140	2,140		2,140
103	Samuel Crane, Jr.,	726	726		726
104	Thomas B. Pierson,	95	95		95
105	Charles W. Smith,	205	205		205
106	David Burton,	1,025	1,025		1,025
107	William C. Bridges,	360	360		360
108	James McGee,	403	403		403
109	W. J. Buchanan,	25	25		25
110	William Green Price,	422 30	422 30		422 30
111	Andrew D. Carey,	256	256		256
112	William Henry,	482	300		300
113	Hampton Harlason,	200	200		200
114	Knowles Shaw,	170	170	170	
115	Ellenor Wakefield,	170	170		170
116	Hugh Ward,	430	430		430
117	Archibald Payne,	217	217	217	
118	Auley Macauley,	135	135	135	
119	Milton E. Clark,	3,158	2,000		2,000
120	Solomon Reynard,	200	200		200
121	Salem Gleason,	350			
122	O. C. Browne, Lykins co.,	5 314	5,314		5,314
123	Thomas Roberts, “	265	265	265	
124	Silas Sutton, for brother,	555	555		555
125	Samuel L. Adair, “	145	145		145
126	John McDaniel, “	136	135		135
127	A. J. Bush, “	85	85	85	
128	Patrick Develin, “	40	40		40
129	William B. Heath, “	437	437		437
130	John Stotts, “	113	113		113
131	Mercer Sutton, “	90	90		90
132	James Stotts, “	376	376	376	
133	John P. Glenn, “	55	55		55
134	H. J. Campbell, Smith co.,	140	140	100	40
135	Silas Sutton, Lykins county,	455	455		455
136	Thomas Kelly, “	418	418	300	118
137	Robert Pence, Calhoun co.,	250	250		250
138	J. F. Townsend, Douglas co.,	162			
139	Samuel Ralston, Lykins co.,	1,000	700		700
140	Thomas Totten, “	159	159		159
141	S. R. Ruckel, Douglas co.,	1,000	1,000		1,000
142	S. Y. Lum, “	400	400	400	
143	John Anderson, “	450	450		450
144	Benjamin Johnson, “	1,366	1,000		1,000
145	James L. Smith, “	102	102		102
146	Lucy A. Maggerth, “	305 10	305 10		305 10

No.	Names of Claimants.	Am't Claimed.	Am't Proven.	Public Class.	Private Class.
147	C. L. Edwards, Douglas Co.,	$300	$300	$	$300
148	James Dumars, “	550	550		550
149	Aaron Neal, “	130	130	25	105
150	Philip W. Hill, “	175	130		130
151	Jourdan Neal, “	280	280		280
152	Robert McFarland, “	969	969		969
153	Henry Eggert, “	210	210		210
154	Paul Rote, “	85	85		85
155	B. C. Tulley, “	425	425		425
156	Martin S. Gaylard, “	600	600		600
157	Cyrus Adams, “	35	35		35
158	John McClelland, “	383	383		383
159	Taylor Stephens, “	1,255 12	1,255 12		1,255 12
160	Clarkson M. Wallace, “	265	265		265
161	E. B. Purdom, “	2,400	2,400		2,400
162	Robert Allen, “	132	132		130
163	Milligan Wallace, “	400	400		400
164	G. S. Skeilbech, “	25,000	8,000		8,000
165	B. S. Hancock, Douglas Co.,	4,222	2,120		2,120
166	Charles F. Lovejoy, “	65	65		65
167	Charles F. Craw, “	346 59	346 59		346 59
168	Allen P. Hazard, “	125	125	125	
169	Frederick Ellerman, “	150	150		150
170	Mason F. Summers, “	1,000	1,000		1,000
171	Amistead Dawson, Leav. Co.,	669	669		669
172	Marshal F. Comstock, ”	379	271		271
173	John M. Gallagher, ”	269	269		269
174	Harold Howard, ”	150	150	150	
175	John S. Danks, ”	300	300	300	
176	Robert Williams, ”	300	300		300
177	John Kendal, ”	28	28	28	
178	Harvey W. Ide, ”	28	28	28	
179	Daniel Noland, ”	500	500		500
180	David H. Newland, ”	1,085	1,085	1,085	
181	Wm. Freeland ”	210 50	210 50	210 50	
182	William A. Shannon, ”	100 90	24 40	24 40	
183	Eli M. Mackerner, ”	170	170	170	
184	John Stigers, ”	175	175	175	
185	Wm. F. P. Briston, ”	452 52	452 52	452 52	
186	Martin Hefferlin, ”	145	140	140	
187	Joseph Evans, ”	247	247	247	
188	Samuel S. Ellis, ”	150	150	150	
189	M. P. Rively, ”	401 15	401 15	26 15	375
190	Rees & Keith, ”	512	512	512	
191	S. F. Hollingsworth, ”	1,600			
192	Isable Caleb, ”	100	70	70	
193	Jonas Wallman, ”	375 75	375 75	375 75	
194	Daniel O. Keefe, ”	263	153	153	
195	Phillip Rothschild, ”	1,108	1,108	1,108	

No.	Names of Claimants.	Am't Claimed.	Am't Proven.	Public Class.	Private Class.
196	Frederick Samuels, Leav. Co,	205	205	205	
197	Wm. F. Engleman, ”	4,031 30	2,750		2,750
198	David McCollum, ”	497	497		497
199	Albert Mason, ”	28	28	28	
200	Soloman Buxton, ”	155	155	155	
201	John J. Moore, ”	500			
202	Thomas Starnes, ”	251 50	251 50	251 50	
203	Charles Starnes, ”	125			
204	Merrill Smith, ”	2,670	280	280	
205	Isaac House, ”	60	60	60	
206	A. M. Price, ”	140	140	140	
207	Brown Ellit, Atchison Co.,	75	75	75	
208	Harrison Weider, “	50	50	50	
209	Hiram Quiet, “	275	275	275	
210	W. J. Eagles, “	572	572	572	
211	Isaac Blessing, “	64	64		64
212	John Hart, “	130	130		130
213	Michael Dean, “	321 50	321 50		321 50
214	Thomas Poteet, “	200	175		175
215	Stephen Johnston, “	270 78	270 78	270 78	
216	David M. Bivens, “	3,970 67	2,970 67		2,970 67
217	James Cravens, “	125	125	125	
218	B. D. Castleman, Shawnee,	3,815 75	3,815 75		3,815 75
219	William Matney, “	420	420		420
220	George Matney, “	375	375		375
221	Samuel E. Thompson, “	280	280		280
222	W. G. Johnson, “	290	290		290
223	Robert A. Edwards, “	2,443	2,443		2,443
224	Harvey Rupe, Administrator of James Willoughby, Shawnee county,	912	692		692
225	Wm. B. Edwards, Shawnee,	301 32	301 32		301 32
226	J. R. Waysman, “	669 90	598 90	478 90	120
227	C. A. Withington, “	1,664	1,664		1,664
228.	James R. Warren, “	268 50	268 50		268 50
229	Milton J. Everett, “	375	275		275
230	James Kaykendall, “	445	445	100	345
231	Raleigh Fulton, “	240	240		240
232	Perry Fleshman, “	375	375		375
233	Hiram Penny, “	275	275		275
234	R. W. Chim, “	255	255		255
235	James M. Hands, “	588	588		588
236	Isaac Renfro, “	195	195		195
237	John S. Adams, “	110	110		11
238	S J. Livingston, “	580	580	125	455
239	Martin Young, “	348	348		348
240	J. L. Hopper, “	716	716		716
241	B. F. Hopper, “	845	845		845
242	Ann Hopper, “	335 50	335 50		335 50

No.	Names of Claimants.	Am't Claimed.	Am't Proven.	Public Class.	Private Class.
243	Andrew James, Shawnee Co.,	$200	$200	$	$200
244	R. S. Shepherd, "	160	160		160
245	T. S. McKinney, "	125	125		125
246	William H. Oliver, "	40	40		40
247	Milican Miller, Linn county,	135	135	135	
248	Absolom White, Douglass co.	2,000			
249	John Strouss, "	4,745	4,745		4,745
250	E. B. Johnson, "	600	150		150
251	Michael Glenn, "	175	175		175
252	William S. Hull, "	1,095	1,095		1,095
253	Robert Smith, Linn county,	250	250		250
254	Isaac T. Dement, "	2,158	2,158	2,158	
255	Edward Fox, Douglas co.	175	175		175
256	Eunich B. Reid, "	230 50	230		230
257	Lewis Jenks, "	535	535		535
258	William M. Helm, "	175	175		175
259	Andrew J. Rodrigue, "	315	315	200	115
260	Caroline E. Steiner, "	50	50		50
261	William C. Zillotson, "	400	400		400
262	W. F. G. M. Dyct, "	6,000	6,000		6,000
263	Peter Majors, Linn county,	150	150	150	
264	Silghman Clarke, "	150	150	150	
265	Reuben E. Noel, "	205	205		205
266	David Reese, "	250	250		250
267	H. B. Kelly, Leavenworth Co.	76	50	50	
268	Jesse Sutton, Lykins county,	178	178		178
269	Thomas Oliver, "	500	500		500
270	W. Young, Jr., Douglas Co.	2,290	2,290		2,290
271	Z. B. Oebbs, Jefferson Co.	1,178	1,178		1,178
272	W. Hutchin, Linn county,	1,340	1,340		1,340
273	N. Miller, Calhoun Co.	417 45	417 45		417 45
274	Levi Ward, Linn county,	193	43		43
275	P. Bradin, Calhoun county,	246	246		246
276	E. Ballinger, "	175	175		175
277	H. D. Oden, "	309	309		309
278	N. Gouyn, Linn county,	225	225		225
279	C. McDonald, "	100	100		100
280	J. R. Williams, "	421	421		421
281	J. A. Brown, "	112 50	112 50		112 50
282	Mary Lovel "	490	490		490
283	F. H. Graham, "	80	80		80
284	W. Hobson, "	2,122	632		632
285	S. L. Bridgeman. "	125	125		125
286	J. F. Mason, Leav'th Co.	375	375		375
287	Polly Skinner, Colhoun Co.	2,810	2,810		2,810
288	J. H. Day, Leaven'th Co.	20 55	20 55	20 55	
289	E. Husted, Lykins county,	350	300		300
290	Daniel Martin, "	1,490			
291	W. Saling, "	102	102		102

No.	Names of Claimants.	Am't Claimed.	Am't Proven.	Public Class.	Private Class.
292	H. H. Updegraff, Lykins Co.,	$545	$545	$	$545
293	J. Higgins, "	1,704	1,704		1,704
294	J. G. Crocker, Douglas Co.	150	150		150
295	G. D. Brooke, "	200	200		200
296	E. A. Coleman, "	200	200		200
297	L. F. Reuter, "	265	265		265
298	M. Short, Coffee county,	159	159		159
299	L. P. Heddeus, "	205	205		205
300	Daniel Lanker, Douglas Co.	125	125		125
301	Samuel Walker, "	725	725		725
302	James Whaly, "	500	500		500
303	E. S. Jewett, "	949	949		949
304	Peter Bayinger, "	1,060	800		800
305	Ruben H. Burr, "	600	600	200	400
306	Maurice Hartman, "	485	485		485
307	R. Williams, Leaven'th Co.	175	175	175	
308	Merrill Smith, "	180	180	180	
309	O. H. Brown, Douglas Co.	1,045	1,045		1,045
310	S. H. Davis, "	1.772	1,772		1,772
311	J. Scaggs, Jefferson county,	300	300		300
312	Augustus Wattles, Douglas Co.	540	540		540
313	Alfred Johnson, "	160 50	100		100
314	Henry Ogle, Jefferson Co.	106	106		106
315	William Butler, "	27	27		27
316	John Fidler, "	115	115		115
317	W. C. Stagg, "	225	225		225
318	W. Horford, "	40	40		40
319	C. F. Brown, "	25	25		25
320	D. L. Wolf, Doniphan Co.	125	125	125	
321	J. S. Brewer, "	150	150	150	
322	F. D. Plummer, Jeff'sn Co.	247 50	247 50	125	122 50
323	Jno. P. Wood, Doug. Co.	7,845 31	7,845 31	7,235 81	609 50
324	A. H. McFaden, Lykins Co.	913	913		913
325	Joseph Comb, "	650	650		650
326	W. M. Edwards, "	1,021	1,021		1,021
327	W. Stone, Bourbon Co.	1,135	1,135		1,135
328	Allen Beeson, "	953	953		953
329	M. Jones, Douglas Co.	125	125		125
330	T. Johnson, Johnson Co.	800	800		800
331	T. H. Rossee, Douglas Co.	1,533 90	1,533 90		1,553 90
332	H. E. Ransom, "	627	627		627
333	J. M. Bernard, Frank. Co.	10,567 43	10,567 43		10,567 43
334	A. Bayne, Jefferson Co.	113 50	113 50	113 50	
335	J. Connel, Bourbon Co.	1,035	1,035		1,035
336	J. Kelly, Leavenworth Co.	200	200		200
337	P. Simmons, Bourbon Co.	250	250		250
338	T. Fahey, Leaven'th Co.	1,600	1,600		1,600
339	W. Nichols, Bourbon Co.	275	275		275
340	D. Baily, Douglas Co.	36 32	36 32	36 32	

No.	Names of Claimants.	Am't Claimed.	Am't Proven.	Public Class.	Private Class.
341	S. H. Cook, Leaven'th Co.	$100	$100	$	$100
342	P. Ellison, Douglas county,	349	349	99	250
343	W. H. Bush, "	215	215		215
344	W. Justice, "	516	516		516
345	G. W. Muir, "	112	112		112
346	F. J. Marshall, Marshall Co.	298 14	298 14	98 14	
347	W. C. Murry, Shawnee Co.	100	100		100
348	D. Burton, Douglas county,	892	892		892
349	J. B. Toddhunter, "	420	420		420
350	T. Scaggs, Jefferson county,	139	139	139	
351	T. S. Hensly,	125	125	125	
352	H. W. Buckley,	800	800		800
353	J. M. Brooke,	75	75		75
354	J. K. Shepardson,	1,056 70	1,056 70	1,056 70	
355	Samuel J. Jones,	5,000	5,000	5,000	
356	C. L. Stevenson,	450	450		450
357	W. M. Nace,	621	621	621	
	Total,	$301,225 11	$254,279 28	$38,942 90	$215 311 38

H. J. STRICKLER, Commissioner.

COMMISSIONER'S OFFICE, Lecompton, Kansas, March 7th, 1858.

Adjourned.

B. P. AYERS, Clerk.

MONDAY, JANUARY 17, 1859,
NINE O'CLOCK A. M.

Prayer by the Chaplain.

Journal of Saturday's proceedings was read, amended and approved.

Mr. Canniff presented a petition from S. O. Himoe and ninety-nine others, for a new county to be called Osage county.

Referred to Committee on Counties and County Lines.

Mr. Lockhart, presented a remonstrance from J. T. Barton and one hundred and seventy-five others, against the dismemberment of Johnson county.

Mr. Hovey presented remonstrances from W. H. Brady and sixteen others; and from Irvin Hall and forty others, against any change in the county lines of Johnson county, all of which were

Referred to Committee on Counties and County Lines.

Mr. McDowell presented a petition from citizens of Leavenworth city, to amend the city Charter of Leavenworth.

Referred to Committee on Corporations and Banking.

The Speaker presented the following Memorial to Congress:

MEMORIAL TO CONGRESS.

To the Honorable the Senate and House of Representatives of the United States:

The memorial of the Legislative Assembly of the Territory of Kansas respectfully represents that your memorialists do respectfully recommend to your Honorable Bodies, not to make any grants of land, designed for Railroad or other purposes in Kansas, directly to any Railroad Company whatsoever, or to any irresponsible parties, but to the Territorial Government, to be by it applied, in such manner as may be best calculated to conduce to the welfare of the community at large.

And your memorialists would furthermore represent that, in consequence of a most unjust apportionment of representation in the Legislative Assembly of the Territory, nineteen of the most populous counties, containing, in the aggregate, a majority of the voting population of the Territory, are almost entirely cut off from any representation in said Assembly; that the will of the people cannot therefore be expressed in the legislation of the Territory, as the apportionment now stands; and that they do therefore respectfully recommend that, in the event of any grant of lands being made to the Territory, in order to guard against the corruption so frequently incident to such trusts, it be named as a condition of said grant, that no disposal shall be made of the lands by the Territorial government until a new apportionment shall have been had, and a full and complete representation given to all parts of the Territory, in the Legislative Assembly.

Be it resolved, by the House of Representatives of the Territory of Kansas, (the Council concurring,) that a copy of the above memorial be forwarded, by the Governor of the Territory, to the President of the Senate, and a copy to the Speaker of the House of Representatives of the Congress of the United States, to be by them submitted to their respective Houses. Also a copy to our Delegate in Congress.

Mr. Branscomb moved its reference to the Committee on Internal Improvements.

Mr. Danford moved to amend by giving the Committee instructions to report at ten o'clock, A. M., to-morrow.

Mr. Mitchell moved to amend the amendment by making it a Concurrent instead of a Joint Resolution; upon which motion the yeas and nays were called for.

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Bailey, Danford, Hovey, Irvin, Lockhart, Mitchell, Marsh, Morrow, Medill, Roberts, of Bourbon, Roberts of Leavenworth, Scott, Silvers, Townsend, Wright and Woodward—18.

The gentlemen voting in the negative were Messrs. Allison, Canniff, Clark, Dickerson, Graham, of Nemaha, Holaday, Holmes, Lewis, Lynde, McDowell, Stevenson, Spriggs, Vaile and Walters—15.

So the motion prevailed.

The question recurring on the amendment as amended, it was adopted, and the Memorial thus referred.

Message from the Governor, by his Private Secretary:

EXECUTIVE OFFICE, K. T.
January 15, 1859.

To the Speaker of the House of Representatives:

SIR—I have this day approved House Bill No. — "An Act requiring the Judge of the Second Judicial District to hold a Special Term of Court, and for other purposes."

Respectfully, S. MEDARY.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council have concurred in a certain resolution requesting the Congress of the United States to pass an Act donating to the widows of William Stilwell and others, the land on which they resided at the time of the murder.

Attest, A. SMITH DEVENNEY,
Secretary of Council.

Mr. Danford offered the following resolution:

Resolved, That the Committee on Apportionment be instructed to report a Bill for re-districting the Territory, and apportioning members for the next Legislative Assembly, at the earliest practicable day.

Adopted.

Mr. Scott, from Select Committee on Printing, submitted the following report:

The Special Committee, appointed to inquire into the Printing question, beg leave to report:

That they have had an interview with both Mr. Walsh and Mr. Thatcher. Mr. Walsh refuses to recognize the right of this House to elect their own Printer, or in any manner to control it. [He] says his instructions from the Secretary of State are positive, to employ a Printer himself, and that his reason for not agreeing with the choice of the House was, his having previously made arrangements with Mr. Brown for doing it, by which it could be done for less money; that recognizing the right of the House to elect, would place the control of the Printer beyond his power; and further, that he owed Thacher no favors and did not mean to show him any, or pay him for what he had done. He denied the right of the House to call for his correspondence with the Secretary of State, but herewith sends a copy of his letter to Mr. Thacher.

Mr. Thacher declines doing printing for the House unless provisions are made for paying for the same.

Mr. Walsh wished us to say, he had none but kindly feelings to the House, but the reason that he and they had so frequently disagreed, was their usurping his authority.

LYMAN SCOTT, Chairman.

Mr. McDowell moved to recommit the report to a select committee of three.

Mr. Graham, of Nemaha, moved an amendment, that the committee be instructed to report an appropriation for that purpose.

Mr. Wright moved an amendment to the amendment, that the Secretary of the Territory be permitted to procure the printing for the House. Lost.

The question recurring on Mr. Graham's amendment, it was also lost.

The original motion was then adopted, and the report recommitted to a Select Committee of three, consisting of Messrs. McDowell, Wright, Medill.

Mr. Lockhart offered the following resolution:

Resolved, That a Committee of three be appointed to draft concurrent resolutions to be presented to the President of t

United States, asking for the removal of Hugh S. Walsh, from the office of Secretary of this Territory.

Adopted.

Mr. Danford introduced, on leave, House Bill No. 92, "An Act to prevent the destruction of stock by contagious diseases."

Referred to Committee on Agriculture.

Mr. Roberts, of Leavenworth, introduced House Bill No. 93, "An Act to locate a Territorial Road from Wyandott to Humbolt, Allen county, Kansas Territory."

Referred to Committee on Public Roads.

Mr. Allison introduced House Bill No. 94, "An Act to Incorporate the Pike's Peak Express Company."

Referred to Committee on Corporations and Banking.

Mr. Canniff, from Committee on Counties and County Lines, reported House Bill No. 95, "An Act relative to locating the County Seat of Dickinson County."

Mr. McDowell introduced House Bill No. 96, "An Act to amend the charter of the city of Leavenworth, and to establish a Board of Trustees."

Referred to Committee on Corporations and Banking.

Mr. Canniff introduced House Bill No. 98, "An Act to amend the charter of the Lawrence and Fort Gibson Railroad Company."

Referred to Committee on Internal Improvements.

Mr. Dickerson introduced House Bill No. 99, "An Act to charter the city of Atchison."

Referred to Committee on Corporations and Banking.

Mr. Lynde introduced House Bill No. 100, "An Act to establish a ferry across the Arkansas river."

Referred to Committee on Public Roads.

Also, House Bill No. 101, "An Act to establish a ferry across the Arkansas river."

Referred to Committee on Public Roads.

Mr. Hovey introduced House Bill No. 102, "An Act to exempt certain property from execution and sale."

Referred to Committee on Judiciary.

Mr. Barry introduced House Bill No. 103, "An Act for a Territorial Road from Fort Leavenworth to the Road leading from Fort Riley to Fort Kearney."

Also, House Bill No. 104, "An Act for a ferry across the Big Blue, opposite Merrimac."

Also, House Bill No. 105, "An Act to entitle Nehemiah Sage to establish a ferry across the Kansas river."

Also, House Bill No. 106, "An Act to establish a Territorial Road from the Independence and California Road, up the South side of the Little Blue," all of which were

Referred to Committee on Public Roads.

Mr. Scott introduced House Bill No. 107, "An Act entitled 'An Act for Land Limitation.'"

Referred to Committee on Phraseology.

Mr. Lewis, from the Judiciary Committee, reported back House Bill No. 26, "An Act providing for the relief of sufferers during the Kansas difficulties," and recommended its passage.

On motion of Mr. Scott, the report was made the special order for three o'clock P. M., to-day.

Mr. Lewis from the Judiciary Committee, also reported back House Bill No. 54, "An Act to authorize Registers of Deeds to take Acknowledgments, etc.," and recommended its passage.

Also, House Bill No. 6, "An Act to amend an Act, entitled 'An Act to provide for the assessment and collection of taxes,'" approved February 12, 1858, and recommended its indefinite postponement.

Mr. Roberts, of Bourbon, from Special Committee on Council Bill No. 8, "An Act to incorporate the Lawrence University," reported the same back with amendments.

The amendments were adopted.

Mr. Wright, from Select Committee on County Names, reported House Bill No. 97, "An Act relative to changing county names."

Laid on [the] table and ordered to be printed.

AFTERNOON SESSION.

TWO O'CLOCK.

The Speaker presented the following communication from the Territorial Superintendent of Common Schools, and also the Report of that officer:

REPORT OF SAMUEL W. GREER, TERRITORIAL SUPERINTENDENT OF COMMON SCHOOLS.

OFFICE TERRITORIAL SUPERINTENDENT COM. SCHOOLS,
January 16, A. D., 1859.

To the Speaker of the House of Representatives:

SIR—In pursuance of law, I herewith transmit to the Legislature my report as Territorial Superintendent of Common Schools. Very respectfully, your obedient servant,

S. W. GREER,
Territorial Superintendent.

To the Legislative Assembly of the Territory of Kansas:

The Territorial Superintendent of Common Schools, is required by law to prepare a report, to be submitted to the Legislature, upon certain specified matters.

The short period of time that has elapsed since I assumed the duties of that office, prevents me from making as full a report as circumstances might seem to require.

The County Superintendent of Leavenworth county has made a report, as required by law, which shows

The whole number of school districts, set off in Leavenworth county, to be	28
Joint districts,	1
Districts which have reported to County Superintendent,	16
Number of children residing in said reported districts, over five and under twenty-one years of age,	866

A partial report has been received from the Superintendent of Atchison county. Eighteen districts have been organized in that county, eight of which have schools in successful operation.

I have been informed by the Superintendent of Douglas county, that four districts have been organized in that county.

I did not receive my commission until the second day of December, A. D., 1858, which left me but little time to ascertain the condition of the common schools of the Territory.

But few counties have made any effort to carry the present school system into effect.

In those in which it has been attempted, it bids fair to work well, and the schools that have been established are in a prosperous condition.

The laws of last winter, including the present school law, were not published until June or July last, so that the people generally were not aware of the existence of the law, until several months had elapsed after its passage. It could not be expected that, within such a short time, our schools should reach a great degree of perfection.

As yet there has been no appropriation of school moneys by the Territory, and I am therefore unable to make an estimate and account of the expenditures thereof.

My predecessor, I have learned, has recommended certain text books, to be used in common schools throughout the Territory, but as I have not been able to obtain any official information of his acts, I cannot speak with any degree of certainty upon the subject; I have had the matter under consideration for some time, and will, at an early day, take definite action upon it.

In compliance with the requirements of the law, I have opened a correspondence with the school departments of several States, to obtain information relative to the system of common schools, and its improvement in those States. No replies have as yet been received, and I am therefore unable to lay any such information before you.

Under the 42nd section of the Act of February 12, 1858, providing for the assessment and collection of taxes, the county Board of Supervisors of certain counties, at their last annual session, levied a tax of two-and-a-half mills on the dollar, on the taxable property in the county, for the purpose of raising a revenue to assist in the support of common schools, until there shall be a distribution from the income of the school fund.

There seems to be no definite provision for the disbursement of the fund raised in this manner. The county Superintendent is authorized "to apply for and receive from the county Treasurer, or any person authorized to disburse the same, all moneys apportioned for the use of common schools in his county." It has been suggested that this only means the case of an apportionment from the Territorial fund, and does not authorize him to receive and disburse school moneys raised from a tax by the county.

I would respectfully recommend that provision be made upon this subject, so as to relieve it of all doubt, as it is of the utmost importance that the entire machinery of the school system should move on as smoothly as possible.

There may be other deficiencies which the Legislature will be called upon, from time to time, to correct, but it will require time and experience to point these out.

Our system is yet in its infancy, and under such circumstances perfection cannot be expected. It may be easy for some to point out seeming deficiencies, but the task of suggesting a remedy which shall prove both just and practicable, is far more difficult of performance.

It is a fortunate characteristic of our population that they can readily accommodate themselves to almost any state of circumstances. But to encourage them in forming efficient organizations under the present school system, they should be assured of the stability of its provisions. A system which is perpetually changing; which vascillates from year to year—now adopting one mode of administration and then another; which fills a volume with laws, the crudities and inconsistencies of which, no judicial officer can unravel, cannot, while in this transitory state, accomplish the important objects designed to be attained in a system of general education.

I am satisfied that after a careful consideration of the subject, you will not regard with favor any alteration in the present school law, beyond those simple amendments rendered necessary by public convenience, and which will, without doubt, give a greater efficiency to existing enactments.

It has been suggested that, in order to render our system more complete, that normal schools should be established at different points in the Territory, and appropriations be made for their support. Such a course might be of great advantage to the cause of education, but the financial embarrassments under which the Territory is at present laboring, as well as the prevailing depression which marks all branches of trade, render this an inauspicious time for the inauguration of new enterprises involving, a heavy expenditure of money. We must be satisfied to advance in the perfection of our common school system, as our Territory increases in wealth and population. A plan that would meet the wants and suit the circumstances of a thickly populated and wealthy State, might in many respects be entirely unsuited to ours. Such States as Massachusetts, New York, Pennsylvania and Ohio, may well boast of the symmetry and perfection of a system upon which the labor of years has been spent in building up, and upon which the money of a numerous and wealthy people has been expended. But our circumstances are different. Our system has just been inaugurated; their's have been in operation for years. Our Territory is new and sparsely settled; those States are old and thickly populated. Moreover it is an apparent fact, that the number of children in the Territory, in proportion to the population, is not as great as in the older States.

It is necessary, that some provision should be made, with regard to schools established in incorporated cities under special provisions in their charters. In some instances, the county and district authorities have come in conflict with those of the city.

I would further suggest the propriety of amending the law, so as to make each municipal township an original school district, still, however, allowing sub-districts to be formed out of any part of such township as the necessities of the inhabitants may require, in the same manner as school districts are formed under existing laws.

I cannot refrain from adverting to the excellent manner in which the public school in the city of Lawrence is conducted. On the invitation of Mr. C. L. Edwards, the principal, I visited it a short time ago. The principal is aided by two female assistants. The number of scholars in attendance is one hundred and seventy-five. The best order prevails, and everything seems to move in a perfect system. The scholars, I am informed, are advancing rapidly in their studies, and the citizens of the place look upon the school with pride. Examples of this kind, it is to be hoped, will awaken a spirit of generous emulation in other parts of the Territory.

Every good citizen must rejoice in the establishment of a system of common schools in the Territory, and we have reason to hope will unite in putting that system into full and complete operation. Upon that system we may rest the brightest hopes for the future of our Territory. Common schools are the people's colleges, and by these mighty, though humble agencies, the common mind is elevated and purified, and the people are led to a just appreciation of the blessings of Republican liberty. A mind undeveloped by culture is a captive, and walks around its narrow cell of thought, from childhood to the grave, in unconscious servitude. But knowledge breaks the shackles from the soul and permits it to rise to a higher and better life. A nation of scholars can never be enslaved, but a swarming multitude of ignorant men must be governed by a wisdom higher than their own, and can only find safety in submission.

If we expect to be ignorant and free in a state of civilization, we expect what never was and never will be. Education makes the man—that alone is the parent of every virtue; it is the true source of our prosperity and the ultimate refuge and defence of liberty. If our schools are well cared for, there will be constantly rising up, from the humble walks of life, a host of men, whose genius, quickened into life, will reflect a perpetual glory upon their country. And, when the hour of temptation and trial shall come, they will stand around the Government an impregnable guard where an army of hirelings would yield or be swept away.

In accordance with the requirements of the statute, I have endeavored to present to the Legislature as succinctly as the nature of the subjects would admit, those matters upon which I am required to report; and now allow me to conclude with the expression of the hope that your legislation, upon this and all other subjects, may be guided by infinite wisdom, and redound to the welfare and happiness of the people.

S. W. GREER,
Territorial Superintendent Common Schools, K. T.
December 30, 1858.

The report was read.

Mr. Danford moved that two thousand copies be printed for the use of the House.

The chair announced Messrs. Canniff and Allison as Joint Enrolling Committee on the part of the House.

On motion of Mr. Branscomb, the vote on Council Bill No. 8, "An Act for the establishment of a University at Lawrence, Kansas Territory," was reconsidered.

Mr. Irvin introduced House Bill No. 109, "An Act to organize and regulate the Militia."

Referred to Committee on Militia.

Mr. Finch introduced House Bill No. 110, "An Act regulating the taking up and pasturing of Strays."

Referred to Committee on Agriculture.

Also, House Bill No. 111, "An Act to locate a Territorial Road from Leavenworth to Iowa Point."

Mr. Stevenson introduced House Bill No. 112, "[An] Act to establish a Territorial Road from Iowa Point to Topeka," both of which were

Referred to Committee on Public Roads.

On motion of Mr. Danford, the House resolved itself into Committee of the Whole, on Council Bill No. 8, "An Act for the establishment of a University at Lawrence, Kansas Territory." Mr. Irvin in the chair.

After some time spent therein, the Committee arose and reported the Bill back with the following amendments, recommending its passage:

AMENDMENTS.

The Special Committee to whom was referred Council Bill No. 8, entitled "An Act to incorporate the Lawrence University," passed the Council, January 12, 1859, having had the same under consideration, beg leave to report the same and recommend its passage, with the following amendments:

TITLE. Strike out the word "hereby" in the first line, and the words "as follows" in the third line of the title

SEC. 1. Strike out the words, "it is erected" in the first line —strike out the word "erected" in the second line, and insert the word "created."

SEC. 3. Strike out the word "number" in the fourth line, and insert the word "Board,"—strike out the word "two" in the fifth line, and insert the word "one"—strike out the words "or a Board" in the sixth line.

SEC. 4. In the ninth line, strike out the dash after the word "Monfort," and insert a period. In the same line strike out the word "which" and insert the word "the."

SEC. 6. Strike out the words "cause to be made" in the first and second lines, and insert the words "have power to make."

SEC. 7. In the second line insert the word "number" before the word "shall." In the seventeenth line insert the words "Board of" between the words "said and Trustees." In the eighteenth line strike out the words "or a Board thereof." In the thirty-third line, strike out the words "it may seem to them best," and insert the words, "the Board may direct."

SEC. 8. At the end of the second line and beginning of the third, strike out the words "of the votes." In the twenty-second line, insert the word "of" before "taking." In the twenty-seventh line insert the word "may," between the words "occasionally" and "arise."

SEC. 9. In the fourth line, insert the words "as arranged in the fourth section" after the word "names" and before the word "the." In the eighteenth line, strike out the word "having" and insert the words "as have." In the twenty-fourth and twenty-fifth lines, strike out the word "apportionment" and insert "rates." In the twenty-fifth line, strike out the words "except the following provision, viz:" and insert the word "Provided." In the twenty-sixth line, insert the words "Territory of" between the words "of" and "Kansas."

SEC. 10. In the tenth line, strike out the word "such" and insert the word "any."

SEC. 11. In the third line, strike out the words "nor shall any," and insert the words "and no." In the fourth line, insert the word "shall" between the words "pupil" and "be."

SEC. 13. In the twelfth line, strike out the word "or" and insert the words "be conveyed;" in the same line after the [word] "from" and before the word "said;" insert the words "or to"

SEC. 16. In the first line, insert the words "all property belonging to," before the word "said."

On motion of Mr. Danford, the amendments were adopted.

On motion of Mr. Mitchell, the Bill was read the third time and put upon its final passage.

The Bill was passed and the title was agreed to.

On motion of Mr. Danford, the House resolved itself into Committee of the Whole, on House Bill No. 26, Mr. Lewis in the chair.

After some time spent therein, the Committee arose and reported back the Bill with sundry amendments, recommending the concurrence of the House therein.

On motion of Mr. Clark, the amendments were concurred in.

Mr. Wright, on leave, introduced House Bill No. 113, "An Act to incorporate Baldwin city."

Referred to Committee on Corporations and Banking.

Mr. Bailey, on leave introduced House Bill No. 114, "An Act to incorporate the 142 Creek Bridge Company.

Referred to Committee on Corporations and Banking.

Also, introduced a petition from Charles S. Hill and twenty-eight others, for a change in the county lines of Wise county.

Referred to Committee on Counties and County Lines.

Mr. Bailey offered the following resolution:

WHEREAS, This House on the second day of its session, passed a resolution requesting the Hon. Hugh S. Walsh, Secretary of this Territory, to furnish one copy of the printed Statutes of the Territory, to each of the members of this House; *and whereas*, said Secretary has hitherto refused to furnish said copies of the Statutes; *and whereas*, the House are now engaged in making a complete revision of the entire code of laws of this Territory, rendering it indispensably necessary that each member should be furnished with a copy of said Statutes, to enable them to ascertain what laws are now in force, that they may act understandingly in relation to the amendment or repeal thereof; *and whereas*, the printed Statutes of this Territory belong to the people of the Territory, and should be and rightfully are, at the disposal of the Legislative Body; *and whereas*, the refusal of the Secretary to furnish said Statutes, is a flagrant contempt of this House, therefore

Resolved, That the Sergeant-at-Arms be instructed to arrest said Hugh S. Walsh, and bring him to the Bar of this House, to answer for such contempt.

Adopted.

Mr. Wright offered the following resolution:

Resolved, That the Clerk of this House, procure the Bills now on his table to be printed and continue to do so from day to day, until further ordered.

Adopted.

Mr. Morrow introduced House Bill No. 115, "An Act to incorporate the Pawnee Bridge Company.

Referred to Committee on Corporations and Banking.

Mr. Finch presented a petition from citizens of Jefferson county, to locate a Territorial Road from Leavenworth city to Council Grove.

Referred to Committee on Public Roads.

Mr. Clark moved that Messrs. Wright and Bailey be appointed a Committee on the part of the House, for the prosecution of the action vs. Mr. Secretary Walsh. Carried.

On motion of Mr. Bailey, Mr. Branscomb was added to the list of prosecuting Attorneys.

On motion of Mr. Barry, a call of the House was ordered, and thirty-one members answered to their names.

The Sergeant-at-Arms appearing with the Hon. H. S. Walsh in charge, announced:

"I have brought the Hon. Hugh S. Walsh to the Bar of the House of Representatives, in accordance with the resolution of this Body."

After some time spent in the examination of the allegation,

On motion of Mr. Danford, the Hon. Hugh S. Walsh was discharged from custody.

Adjourned.

Attest: B. P. AYERS, Clerk.

TUESDAY, JANUARY 18, 1859,
NINE O'CLOCK A. M.

Prayer by Rev. Mr. Reynolds.

The Journal of yesterday's proceedings was read, amended and approved.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council have passed Council Bill No. 29, entitled "An Act to locate and establish a Territorial road from Wyandott to Fort Riley."

Also, Council Bill, No. 36, entitled "An Act confirming the location of certain County Seats," and respectfully request your concurrence therein,

Attest: A. SMITH DEVENNEY,
Secretary of Council.

Mr. Barry presented a petition from citizens of Davis county, praying for Territorial roads.

Referred to Committee on Public Roads.

Mr. Curtiss presented petitions from J. H. Lyons and others, and M. J. Avery and others, praying for a Territorial road from Lawrence to Emporia.

Mr. Irvin presented a petition from Patrick Henry and others, for a Territorial road from Leavenworth to Mariaville.

Also, from J. B. Horton and others, C. D. Smith and others, and Duff Green and others, for a Territorial road.

All of which were referred to Committee on Public Roads.

Mr. Wright offered the following resolution:

Resolved, That this House will not pass any Bill to locate a Territorial road with more than one Commissioner, and where more than one is named in a Bill, that the Committee on Roads and Highways be directed to reduce the number, in each case, to one Commissioner.

Mr. Mitchell moved to lay the resolution upon the table.

The yeas and nays being called for,

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Bailey, Canniff, Curtiss, Danford, Dickerson, Finch, Graham of Nemaha, Hovey, Holaday, Holmes, McDowell, Mitchell, Roberts of Bourbon, Roberts of Leavenworth, Silvers, Townsend, Vaile, Weider and Walters—21.

The gentlemen voting in the negative were Messrs. Allison, Clark, Irving, Lynde, Lockhart, Marsh, Medill, Scott, Stevenson, Spriggs and Wright—11.

So the resolution was laid on the table.

Mr. Holaday gave notice that he would, at an early day, offer a Bill for an apportionment of the Territory.

Mr. Graham, of Nemaha, offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure five copies of the "Daily Republican," for each member of this House.

Adopted.

Mr. Spriggs gave notice that he would, at an early day, introduce a Bill for a plank road on the Big Blue river, from its source to its mouth, as it is soon to be bridged from head to mouth.

Mr. Curtiss introduced House Bill No, 116, "An Act to charter a ferry across the South Platte River."

Referred to Committee on Corporations and Banking.

On motion of Mr. Roberts, of Leavenworth, the House resolved itself into Committee of the Whole, on House Bills Nos. 9, 76 and 79, relative to the abolition of slavery in Kansas Territory, Mr. Marsh, in the chair.

After some time spent therein, the Committee arose, reported progress, and asked leave to sit again at Two o'clock P. M.

Leave to sit again was granted by the House.

Mr. Wright moved that the House adjourn. Lost.

Mr. Clark, from Committee on Internal Improvements, submitted the following report:

The Committee on Internal Improvements, to which was referred the Memorial to Congress, with a concurrent resolution in respect to the subject of railroad grants to this Territory, have had the subject under consideration, and in obedience to instructions of the House, report the following joint resoultion, and respectfully recommend its rejection.

Be it resolved by the Legislative Assembly of the Territory of Kansas:

That a copy of the Memorial referred to be forwarded by the Governor to the President of the Senate, and a copy to the Speaker of the House of Representatives of the United States, to be by them submitted to their respective Houses; also a copy to our Delegate in Congress.

The Committee respectfully recommend the adoption of the Memorial and accompanying resolution, without amendment.

A. N. CLARK, Chairman.

LAWRENCE, Jan. 19, 1859.

Mr. Stevenson moved that the report of the Committee be adopted.

Pending which, Mr. Wright moved that the House adjourn.

Lost.

Mr. Branscomb moved an amendment by striking out all the preamble after the word "respectfully," to the word "that," in the twenty-first line.

On which amendment, the yeas and nays being called for,

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Danford, Hovey, Irvin, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Roberts, of Leavenworth, Scott, Townsend, Wright, Weider and Mr. Speaker—16.

The gentlemen voting in the negative were Messrs. Allison, Bailey, Canniff, Curtis, Clark, Dickerson, Finch, Graham, of Nemaha, Holmes, Lewis, Medill, Stevenson, Spriggs, Silvers, Vaile and Walters—17.

So the amendment was lost.

Mr. Roberts, of Leavenworth, moved an amendment by striking out, in the preamble, from the word "represent," in the fourth line, to the word "government," in the nineteenth line; and in the twenty-fifth line, strike out "if a grant should be made at this session," and insert "but that we most earnestly ask that a grant of land may be made at this session."

Pending which the House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK, P. M.

On motion of Mr. Wright, the report of Mr. Strickler, on claims, was received and ordered to be placed on the Journal of Saturday, the 15th instant.

On motion of Mr. Stevenson, a call of the House was ordered, and 34 members answered to their names.

On motion of Mr. Roberts, of Leavenworth, further proceedings under the call were dispensed with.

The question then being on the amendment of Mr. Roberts, of Leavenworth, to the Memorial, the yeas and nays were called for.

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Danford, Dickerson, Hovey, Holmes, Irvin, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts, of Bourbon, Roberts, of Leavenworth, Scott, Silvers, Townsend, Wright and Woodward—20.

The gentlemen voting in the negative were Messrs. Allison, Bailey, Canniff, Curtiss, Clark, Dickerson, Finch, Graham of Nemaha, Holaday, Lewis, Stevenson, Spriggs, Vaile, Weider and Walters—15.

So the amendment was carried.

The question then recurring on the adoption of the Memorial as amended, the yeas and nays were ordered.

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham, of Nemaha, Hovey, Holaday, Holmes, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts, of Bourbon, Roberts, of Leavenworth, Scott, Spriggs, Silvers, Townsend, Vaile, Weider, Woodward, Walters—32.

The gentlemen voting in the negative were Messrs. Allison, Stevenson and Wright—3.

So the memorial as amended was adopted.

Message from the Council:

Mr. SPEAKER—I am instructed by the Council, to inform your Honorable Body, that the Council have concurred in House Bill No. 28, "Joint Resolutions relative to appropriations for finishing the capitol at Lecompton," and also in proposed amendments to Council Bill No. 8, entitled "An Act to incorporate the Lawrence University."

Attest, A. SMITH DEVENNEY, Sec. of Council.

On motion of Mr. Danford, the House resolved itself into Committee of the Whole, on House Bill No. 9, relative to the Abolition of Slavery in Kansas Territory, Mr. Roberts, of Bourbon in the chair.

After some time spent therein, the Committee arose and reported back House Bill No. 9, with an amendment, and an amendment to the amendment, and asked its reference to a Select Committee of three.

The House concurred in [the] recommendation of the Committee, and

Messrs. Branscomb, Bailey and Allison, were appointed as the Select Committee on House Bills Nos. 77 and 9.

Adjourned.

Attest, B. P. AYERS, Clerk.

WEDNESDAY, JANUARY 19, 1859, NINE O'CLOCK, A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read, amended and approved.

Mr. Curtiss presented a petition from John Spaulding and others, praying for a Territorial road from Lawrence to Emporia.

Referred to Committee on Public Roads.

Mr. Canniff presented a petition from James S. Griffith and thirty one others, praying for a prohibitory liquor law.

Referred to Committee on Vice and Immorality.

Mr. Wright offered the following resolutions:

RESOLUTIONS ON THE SUBJECT OF A DIVISION OF KANSAS TERRITORY.

Resolved, by the Council and House of Representatives of Kansas Territory, That we are opposed to erecting a Territorial government in the vicinity of Pike's Peak, that shall include any part of the present Territory of Kansas.

Resolved 2, That we believe a State government, the size of the present Territory of Kansas, can secure the citizens all the rights of person and property, as well as it could, if it was reduced to the size of the smaller States of the Union.

Resolved 3, That the creation of a new government at Pike's Peak, will only renew the sectional difficulties so lately settled in this Territory, and will materially injure Eastern Kansas, by compelling her to remain a Territory for several years.

Resolved 4, That we are desirous to have the Platte river the northern boundary of Kansas; and we are well assured that the people residing on that part of Nebraska are desirous of such annexation.

Resolved 5, That these resolutions be printed, and a copy be forwarded to each Member of Congress, and to our Delegate.

Mr. Bailey moved to lay the resolutions on the table. Lost.

On motion of Mr. Danford, the resolutions were referred to a select Committee of three, consisting of Messrs. Danford, McDowell and Holaday, with instructions to report at an early day.

Mr. Lockhart offered the following resolution:

Resolved, by the House of Representatives, the Council concurring, That a committee of three on the part of the House, and two on the part of the Council be appointed to confer with the board of Codifying Commissioners; and by and with their consent, select such general laws of a secondary character as such joint Committee shall deem proper, and assign such bill thus selected to the appropriate standing Committees of either House, for immediate action thereon.

Mr. Stevenson moved to lay the resolution on the table. Carried.

Mr. Lewis from Committee on Judiciary, presented the following report of the Codifying Commissioners:

OFFICE CODIFYING COMMISSIONERS,
January 18, 1859.

To the Legislative Assembly:

We herewith transmit for your action, "An Act concerning Apprentices," and recommend its passage.

Very respectfully,
WILLIAM McKAY,
E. S. LOWMAN,
J. McCAHON.
Com'rs.

On motion of Mr. Roberts, of Leavenworth, the reports of the Codifying Commissioners were ordered to take the same course as other reports, and be printed.

Mr. Wright, from Committee on Militia, reported back House Bill No. 109, "An Act to organize and regulate the Militia," and recommended its passage, without printing.

Report adopted.

Mr. McDowell, from Committee on Corporations and Banking, reported back House Bill No. 20, "An Act to incorporate the city of Sumner," and recommended its passage.

Also, House Bill No. 5, "An Act to amend the city charter of Elwood," and recommended its passage.

Both of which were laid on the table and ordered to be printed.

Mr. Canniff introduced House Bill No. 117, "An Act to restrain Dram Shops, and to regulate the sale of intoxicating liquors.

Referred to Committee on Vice and Immorality.

Mr. Danford, from Committee on Phraseology, reported back House Bill 107, relative to Land Limitations, and recommend its passage.

Ordered to be printed.

On motion of Mr. Wright, the House resolved itself into Committee of the Whole, on House Bill No. 109, "An Act regulating the Militia," Mr. Scott in the chair.

After some time spent therein, the Committee, rose and reported back the bill, recommending its passage.

Mr. Wright moved that the bill be read the third time and put on its final passage.

Mr. Roberts of Leavenworth moved an amendment that it lay on the table and be printed.

The amendment was carried, and the motion as amended, was adopted.

The unfinished business on the docket was called up, which was House Bill No. 26; and

On Motion of Mr. Clark, it was ordered to be printed.

On motion of Mr. Mitchell, House Bill No. 11, relative to service of civil process, was taken up and read a second time.

On motion of Mr. Barry, the bill was read a third time and passed.

The title was amended by striking out the words, "a bill for;" and the title as amended was adopted.

Mr. Morrow offered the following resolution:

Resolved, That the Committee on Accounts be instructed to examine the accounts and vouchers of all persons having claims against the Territory, for services rendered by authority of any resolution of either House; concurrent or joint resolution, or Act of the last session of the Legislative Assembly of this Territory, and report the amounts severally found to be due to the persons holding such vouchers, and if necessary, report by bill, making provision for the final settlement and payment of the same.

Adopted.

Mr. Barry, from Committee on Agriculture and Manufactures, reported back House Bill No. 92, an Act entitled "An Act to prevent the destruction of stock by contagious diseases," and recommended its passage.

Also, House Bill No. 56, an Act entitled "An Act to provide for the regulation of the running at large of Swine," without any recommendation.

The report on House Bill No. 92 was laid on the table and ordered to be printed.

On motion of Mr. Finch, the report on House Bill No. 56, was laid on the table.

Mr. Danford, on leave, called up House Bill No. 92, "An Act relative to contagious diseases among cattle," and it was read a second time.

On motion of Mr. Hovey, the bill was amended, by inserting "the first day of December," instead of "November," and "May" instead of "June."

On motion of Mr. Danford, the rules were suspended, the bill read a third time and passed.

The title was agreed to.

On motion of Mr. Clark, House Bill No. 25, relative to Medicine and Surgery, was ordered to be printed.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform your Honorable Body that the Council have passed Council Bill No. 18, entitled, "An Act to locate, establish and construct a Territorial Road from some point at or near Fort Riley, to some point near the base of the Rocky Mountains, at or near the 39th parallel of latitude," and your concurrence therein is repectfully requested.

Attest: A. SMITH DEVENNEY,
Secretary of Council.

Mr. Lynde, from Committee on Public Roads, submitted the following report:

The Committee on Public Roads having had a number of Bills for the location of Territorial Roads under consideration, ask leave to report the following Bill.

Respectfully submitted,
EDWARD LYNDE, Chairman.

The Bill was ordered to be printed.

On motion of Mr. Lynde, the rules were suspended, and House Bill No. 119, "An Act to establish certain Territorial Roads," was read through.

On motion of Mr. Curtiss, it was laid on the table and ordered to be printed.

On motion of Mr. Curtiss, the House resolved itself into Committee of the Whole on House Bill No. 97, "An Act relative to changing the names of certain Counties," Mr. Townsend in the chair.

After some time spent therein, the Committee arose, reported progress, and asked leave to sit again.

Leave was granted.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Branscomb from Select Committee on House Bill No. 9, "An Act relative to the Abolition of Slavery," submitted the following report:

The Select Committee to whom was referred House Bill No. 9, entitled "An Act to abolish and prohibit Slavery, and to punish certain crimes therein named," also an amendment to said Bill, consisting of a substitute of the House Bill No. 77, entitled "An Act abolishing all laws establishing or recognizing Slavery in the Territory of Kansas, and punishing certain offences, in regard to persons held as slaves," also, an amendment to said amendment introduced by Mr. Lockhart, having had the same under consideration, beg leave to report as follows, viz:

That House Bill No 9, and the amendment of Mr. Lockhart, be indefinitely postponed, and we recommend the passage of House Bill No. 77, with the following amendments:

TITLE. Strike out the words, "abolishing all laws establishing or recognizing," and insert the words, "to prohibit." Strike out the word "punishing," and insert the words "to punish." Strike out the words "in regard to persons held as slaves," and insert the words, "therein named."

SECTION 1. In the second line, strike out the word "be," and insert the words "have been."

SEC. 2. Strike out second section.

SEC. 3. In the first line, insert the words "without authority of law," between the words, "Territory," and the word next following said word "Territory."

SEC. 4. Strike out section fourth, and insert the following:

SEC. 4. All persons who shall have been held as slaves by law or usage in any State or Territory of the United States, and who shall come or be brought into this Territory with the consent of their owners or masters, are hereby declared to be free persons; they may sue or be sued in the courts of this Territory, and shall be deemed capable of entering into valid and binding contracts, and of acquiring, transferring and transmitting property in the same manner, and subject to the same conditions as are now provided by law in regard to other persons. They may marry persons of the same color, and shall be entitled to the custody of their own children.

SEC. 5. In the fifth line strike out the word "three," a [illegible] sert the word "one."

SEC. 6. Strike out the clause, "this Act shall take effect immediately."

C. H. BRANSCOMB, Chairman.

Mr. Spriggs moved to concur in the report of the Committee. Carried.

Mr. Clark moved the amendment of Mr. Allison, to wit: "to go into effect the first of May," upon which the yeas and nays were called for.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Curtiss, Clark, Irvin, Lewis, Lynde, Lockhart, McDowell, Medill, Spriggs, Silvers, Woodward—13.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Canniff, Dickerson, Finch, Graham of Nemeha, Holmes, Mitchell, Morrow, Roberts of Leavenworth, Scott, Stevenson, Townsend, Vaile, Wright, Weider, Walters—16.

So the amendment was lost.

On motion of Mr. Walters the Bill was read a second time.

On motion of Mr. Wright, the Bill was read a third time and put upon its final passage.

The question being, "shall the Bill pass?"

The Yeas and Nays were ordered.

The gentlemen voting in the affirmative, were Messrs Allison, Barry, Branscomb, Bailey, Curtiss, Graham, of Nemeha, Hovey, Holmes, Holaday, Lynde, Lockhart, McDowell, Morrow, Medill, Roberts, of Leavenworth, Scott, Spriggs, Townsend, Vaile, Wright, Woodward, Walters—22.

The gentlemen voting in the negative, were Messrs. Canniff, Clark, Dickerson, Irvin, Lewis, Mitchell, Stevenson, Silvers, Weider—9.

So the Bill passed.

The title was agreed to.

Mr. Curtiss offered the following resolutions:

WHEREAS, Robert Morrow, Charles H. Branscomb, J. M. Winchell, C. K. Holliday and C. D. Lewis, were, on the 28th day of April, 1858, appointed by a Convention of the people of Kansas, a Commission to wait on the President of the United States, and use their efforts to procure a postponement of the land sales advertised to take place in the July following; *And whereas*, Robert Morrow, Chas. H. Branscomb and James M. Winchell, pursuant to the instructions of said Convention, did immediately proceed to Washington and procure a postponement of said sales; now, therefore, be it

Resolved, That the Committee on Claims be instructed to call upon said persons for an account of the expenses of said commission, and to receive evidence in regard to the justice of reimbursing the same, and to report to this House at an early day.

On motion of Mr. Irvin, the resolutions were adopted.

Mr. Canniff introduced House Bill No. 120, "An Act to change the name of Prairie City and to incorporate the town."

Referred to Committee on Corporations and Banking.

Mr. Allison introduced House Bill No. 121, "An Act to charter a ferry across the Republican Fork."

Also, House Bill No. 122, "An Act to charter a ferry across the Solomon Fork at Salina."

Both of which were referred to Committee on Public Roads.

Mr. McDowell introduced House Bill No. 123, "An Act to amend an Act entitled 'An Act to incorporate the city of Osage.' "

Referred to Committee on Judiciary.

Also, House Bill No. 124, "An Act to incorporate the Leavenworth City Gas Company."

Referred to Committee on Corporations and Banking.

Mr. Bailey introduced House Bill No. 125, "An Act to change certain county lines and to establish the counties of Chase, Sherman, Wade and Giddings."

Referred to Committee on Counties and County Lines.

Mr. Wright presented a petition from James Diamond and 60 others, for a Territorial Road from Quindaro to Paoli.

Referred to Committee on Public Roads.

Mr. Bailey presented a petition from Wm. T. Land and others, praying for a change of certain county lines.

Also, of Wm. A. Morrill and others, for the same.

Referred to Committee on Counties and County Lines.

Mr. Vaile presented a petition from J. P. Miller and 50 others, for a Territorial Road through Marshall county.

Mr. Stevenson introduced House Bill No. 126, "An Act to establish a Ferry across Solomon's Fork," both of which were

Referred to Committee on Public Roads.

Mr. Irvin introduced House Bill No. 127, "An Act for the relief of the Kansas Valley Branch Bank at Atchison."

Referred to Committee on Corporations and Banking.

Mr. Townsend introduced House Joint Resolution No. —, ordering the Secretary of the Territory to furnish Statutes for the use of members of the Legislature.

Mr. Stevenson introduced House Bill No. 128, "An Act to establish a Ferry across the Smoky Hill Fork."

Referred to Committee on Public Roads.

Mr. Barry introduced House Bill No. 129, "An Act to permit J. S. Johnson and Charles C. Johnson to establish a Ferry across the Kansas river at Manhattan," both of which were

Referred to Committee on Public Roads.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council have passed Council Bill No. 34, entitled "An Act to authorize Josiah Bundy to keep a Ferry at a point near Stanton, in Lykins county, known as Bundy's Ford."

Also, Council Bill No. 35, entitled "An Act to authorize Asahel Beach and others to construct a Bridge across Cow Creek, on the Santa Fe road near Beach's Trading Post."

Also, Council Bill No. 37, entitled "An Act repealing an Act to incorporate the Central Railroad Company, passed at the first session of the Legislative Assembly of the Territory of Kansas."

Also, Council Bill No. 46, entitled "An Act permanently locating the County Seat of Shawnee county."

Your concurrence therein is respectfully requested.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Wright, the House resolved itself into Committee of the Whole on House Bill No. 37, "An Act relative to the establishment of a Penitentiary," Mr. Vail in the chair.

After some time spent therein, the committee arose and reported back House Bill No. 37, with sundry amendments, recommending its passage.

On motion of Mr. Wright, the Bill was read the third time and passed.

The title was agreed to.

On motion of Mr. Morrow the House resolved itself into Committee of the Whole on House Bill No. 97, "An Act relative to the change of county names," Mr. Wright in the chair.

After some time spent therein, the committee arose, reported progress, and asked leave to sit again.

Adjourned.

Attest, B. P. AYERS, Clerk.

THURSDAY, JANUARY 20, 1859,
NINE O'CLOCK A. M.

Prayer by Rev. Mr. Reynolds.

The Journal of yesterday's proceedings was read, amended and approved.

Mr. Graham presented a petition from Orville Root, and twenty-four others, for a Territorial Road from Atchison to Falls City.

Also, from thirty citizens of Brown and Doniphan counties for a Territorial Road from Elwood to Plymouth.

Mr. Irvin presented petitions from D. C. Newcomb and sixteen others, and from George Tracy and twelve others, for Territorial Roads from Atchison to Grasshopper Falls.

All of which were referred to Committee on Public Roads.

Mr. Roberts, of Bourbon, presented a petition from R. Mayfield and twelve others, for a change in the county lines of Douglas county.

Referred to Committee on Counties and County Lines.

Mr. Curtiss presented a petition from Amory Hunting and ninety-five others, for a prohibitory liquor law.

Referred to Committee on Vice and Immorality.

Also, from F. H. Wilds and sixty others, for changes in the county lines of Johnson county.

Referred to Committee on Counties and County Lines.

Mr. Wright introduced House Bill No. 131, "An Act to provide for the division of funds in townships, where they have heretofore or may hereafter be divided.

Referred to Committee on Ways and Means.

Mr. Allison, from Committee on Elections, reported back House Bill No. —— an Act entitled "An Act Regulating Elections," without amendments, recommending its passage.

Ordered to be printed.

Mr. Lewis, of the Judiciary Committee, introduced the following report from the Codifying Commissioners:

OFFICE CODIFYING COMMISSIONERS,
January 19, 1859.

To the Legislative Assembly:

We herewith transmit for your action, "An Act regulating contracts and promises," and recommend its passage.

Very Respectfully,
WILLIAM McKAY,
E. S. LOWMAN, } Commis'rs.
J. McCAHON.

The Bill reported (House Bill No. 132) was ordered to be printed.

Mr. McDowell, from the Committee on Corporations and Banking, submitted the following report:

The Committee on Banking and Corporations, having had under consideration House Bills No. 19, entitled "An Act to incorporate the city of Eudora;" Bill No. 51, entitled "An Act to incorporate the Montana Town Company;" Bill No. 49, entitled "An Act to incorporate the St. Charles Town Company; House Bill No. 36, entitled "An Act to provide for the incorporation of Protestant Episcopal churches in Kansas Territory; Bill No. 99, entitled "An Act to amend the charter of the city of Atchison;" House Bill No. 2, entitled "An Act to establish and incorporate the Missouri Valley University at Wyandott," have instructed me to report the same back to the House, with the recommendation that they be indefinitely postponed.

JAS. L. McDOWELL, Chairman.

On motion of Mr. Roberts, of Leavenworth, that portion of the report relative to the Missouri Valley University, was recommitted.

On motion of Mr. Dickerson, that portion of the report relative to House Bill No. 99, "An Act to amend the charter of the city of Atchison," was referred to a Select Committee of three.

Messrs. Dickerson, Irvin and Weider, were appointed on that committee.

On motion of Mr. Woodward, that portion of the report relative to House Bill No. 19, "An Act to incorporate the city of Eudora," was recommitted.

The report as amended was adopted.

On motion of Mr. Woodward, that portion of the report relative to House Bills No. 36, 49 and 51, was indefinitely postponed.

Mr. Canniff introduced House Bill No. 133, "An Act to establish a Territorial Road from Lawrence via Prairie City to Fort Scott."

Referred to Committee on Public Roads.

Mr. Canniff, from Committee on Counties and County Lines, reported back House Bill No. 85, "An Act relative to the location of the county seat of Allen county," and recommended its passage.

Ordered to be printed.

Mr. Bailey introduced House Bill No. 134, "An Act to organize the counties of Montgomery, Lane and Brown."

Referred to Committee on Counties and County Lines.

Mr. Roberts of Bourbon, introduced House Bill No. 135, "An Act to charter a ferry across the Neosho river."

Referred to Committee on Public Roads.

On motion of Mr. Scott, the House resolved itself into Committee of the Whole, on House Bill No. 6, "An Act relative to the assessment and collection of Taxes," Mr. Walters in the chair.

After some time spent therein, the Committee arose and reported progress.

The report of the Committee was concurred in.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council have concurred in the Joint Resolution House Bill No. 130, "ordering the Secretary of the Territory to furnish statutes for the use of the Legislature."

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Wright moved that House Bill No. 6, considered in Committee of the Whole, be read a second time.

Mr. Morrow moved that the Bill be indefinitely postponed.

Upon which the yeas and nays being ordered,

The gentlemen voting in the affirmative were Messrs. Branscomb, Bailey, Canniff, Clark, Graham, of Nemaha, Hovey, Holaday, Holmes, Irvin, Lewis, McDowell, Morrow, Roberts, of Bourbon, Roberts, of Leavenworth, Townsend, Vaile, Walters. —17.

The gentlemen voting in the negative were Messrs. Barry, Curtiss, Danford, Dickerson, Finch, Lynde, Lockhart, Mitchell, Marsh, Medill, Scott, Stevenson, Spriggs, Silvers, Wright, Weider, Mr. Speaker—17.

So the motion to postpone was lost.

Mr. Mitchell moved to amend by inserting the words "provided this Act shall not be so construed as to apply to town or city property."

Upon which the yeas and nays being ordered,

The gentlemen voting in the affirmative were Messrs. Branscomb, Canniff, Curtiss, Finch, Graham, of Nemaha, Holmes, Holaday, Lynde, Lockhart, Mitchell, Marsh, Medill, Roberts, of Bourbon, Spriggs, Silvers, Vaile, Weider, Woodward, Walters. —19.

The gentlemen voting in the negative were Messrs. Allison, Bailey, Clark, Danford, Dickerson, Hovey, Irvin, Lewis, McDowell, Morrow, Roberts, of Leavenworth, Scott, Stevenson, Townsend, Wright—15.

So the amendment was lost.

Mr. Bailey moved to amend section 2, by striking out all after the words "in and under the same," and inserting the words "with improvements thereon."

Upon which the yeas and nays being ordered,

The gentlemen voting in the affirmative were Messrs. Branscomb, Bailey, Canniff, Clark, Graham, of Nemaha, Hovey, Holmes, Holaday, Irvin, Lewis, McDowell, Morrow, Roberts, of Bourbon, Roberts, of Leavenworth, Townsend, Vaile, Woodward, Walters—18.

The gentlemen voting in the negative were Messrs. Barry, Curtiss, Danford, Dickerson, Finch, Lynde, Lockhart, Mitchell, Marsh, Medill, Scott, Stevenson, Spriggs, Silvers, Wright, Weider—16.

So the amendment was carried.

Mr. Canniff moved that further consideration of the Bill be indefinitely postponed. Carried.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Canniff offered the following resolution:

Resolved, That Rule 15, be so amended as to limit speakers to ten minutes on each occasion, during the balance of the session.

Adopted.

On motion of Mr. Graham, of Nemaha, House Bill No. 29, relative to repealing an Act entitled "An Act to repeal the office of Land District Recorder," was taken up.

On motion of Mr. Roberts, of Bourbon, the House resolved itself into Committee of the Whole on said House Bill No. 29, Mr. Woodward in the chair.

After some time spent therein, the Committee arose, reported back the Bill and recommended its reference to a Select Committee of three.

The report was concurred in.

The chair announced the names of Messrs. Roberts, of Bourbon, Branscomb and Wright as constituting that committee.

On motion of Mr. Vaile, House Bill No. 38, "An Act to locate the county seat of Marshal county," was taken up.

On motion of Mr. Bailey, it was referred to a Select Committee of three, consisting of Messrs. Bailey, Vaile and Lynde, with instructions to report a general Bill for locating county seats.

On motion of Mr. Wright, House Bill No. 21, "An Act relative to juror fees," was taken up, and

The House resolved itself into Committee of the Whole, thereupon, Mr. Weider in the chair.

After some time spent therein, the Committee arose and reported progress.

Mr. Roberts, of Bourbon, moved that the Bill be indefinitely postponed.

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Finch, Mitchell, Morrow, Roberts, of Bourbon, Silvers, Townsend and Wright—8.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Canniff, Curtiss, Clark, Dickerson, Graham, of Nemaha, Hovey, Holaday, Holmes, Irvin, Lewis, Lynde, Lockhart, McDowell, Marsh, Medill, Roberts, of Leavenworth, Scott, Stevenson, Spriggs, Vaile, Weider, Woodward, Walters—25.

So the motion was lost.

On motion of Mr. Hovey, the Bill was read a second time.

On motion of Mr. Branscomb, the rules were suspended, the Bill read a third time and put on its final passage.

The question being, "Shall the Bill pass?"

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Canniff, Curtiss, Clark, Dickerson, Graham, of Nemaha, Hovey, Holaday, Holmes, Irvin, Lewis, Lynde, Lockhart, McDowell, Marsh, Morrow, Medill, Roberts, of Leavenworth, Scott, Stevenson, Spriggs, Vaile, Weider, Woodward, Walters—26.

The gentlemen voting in the negative were Messrs. Bailey Danford, Finch, Mitchell, Roberts, of Bourbon, Silvers, Townsend, Wright—8.

So the Bill passed.

The title was agreed to.

Mr. Roberts, of Bourbon, from Select Committee, on the wants of Western and South-western Kansas, reported House Bill No. 136, "An Act establishing and organizing the counties of Montana, El Paso, Oro, Nemaha and Cotchatopa, and to define the boundaries thereof."

Ordered to be printed.

On motion of Mr. Graham, of Nemaha, the House resolved itself into Committee of the Whole, on House Bill No. 54, "An Act providing for Registers of Deeds to take acknowledgments and proof of deeds, &c.," Mr. Spriggs in the chair.

After some time spent therein, the Committee arose, and reported back the Bill, recommending its passage.

The House concurred in the report.

The Bill, by consent, was read a second and third time, and passed.

On motion of Mr. Bailey, the title was amended by striking out the words, "the same," and inserting the words, "said officers."

The title, as amended, was agreed to.

Mr. Wright offered the following resolution:

Resolved, That there be appointed a Committee of five, in this House, to be known as the Committee on Retrenchment, and they be required to report a Bill, reducing the fees and salaries of officers, and consolidating one or more offices into one, and generally to recommend such measures as will relieve the people of this Territory from onerous taxation.

Adopted.

On motion of Mr. Scott, House Bill No. 60, "An Act relative to permanently locating the Capital of Kansas Territory," was taken up.

The House resolved itself into Committee of the Whole thereupon, Mr. Stevenson in the chair.

After some time spent therein, the Committee arose, and reported the same back, without amendment.

Mr. Roberts, of Bourbon, moved the indefinite postponement of the Bill,

Upon which the yeas and nays being demanded:

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Bailey, Curtiss, Clark, Danford, Dickerson, Finch, Hovey, Holaday, Irvin, McDowell, Mitchell, Marsh, Morrow, Roberts of Bourbon, Roberts of Leavenworth, Spriggs, Weider and Woodward—20.

The gentlemen voting in the negative were Messrs. Canniff, Graham, of Nemaha, Lewis, Lynde, Lockhart, Medill, Scott, Stevenson, Silvers, Townsend, Vaile, Walters—13.

So the Bill was indefinitely postponed.

Adjourned.

Attest, B. P. AYERS, Clerk.

FRIDAY, January 21, 1859,
Nine o'clock, A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Messrs. Wright, Graham, Walters, Lockhart and Stevenson, were announced as the Committee on Retrenchment.

Mr. Morrow presented a petition from C. B. Rice and eight others, praying for a change in the county lines of Douglas county.

Mr. Roberts, of Leavenworth, presented a petition from ———— and one hundred and sixteen others, praying for a division of Johnson county.

Also, from L. Raymond and forty-six others, and from L. McMott and two hundred and thirty others, praying for the formation of a new county, to be called Wyandott.

Mr. Canniff presented a petition from W. P. Martin and fourteen others, praying for a change in the Southern boundary of Douglas County. All of which were

Referred to the Committee on Counties and County Lines.

Mr. Finch gave notice that he would, at an early day, introduce a Bill to appoint Commissioners to survey and establish, a Territorial road, the old Military road from Easton to Fort Riley.

Mr. Holaday, from Enrolling Committee, reported Joint Resolutions, House Bill No. 28, relative to appropriations for the erection of the Territorial Capitol, correctly enrolled.

Mr. Canniff, from Committee on Counties and County Lines, reported back Council Bill No. 46, "An Act to locate the County Seat of Shawnee county," and recommended its passage.

Mr. Mitchell moved to refer the report to the Select Committee on County Seats. Lost.

On motion of Mr. Holmes, the rules were suspended, and the Bill read a second time.

On motion of Mr. Vail, the Bill was read a third time and passed.

The title was agreed to.

Mr. Lewis, from the Judiciary Committee, reported back House Bill No. 87, "An Act to exempt real estate and personal property from sale on execution," and recommend its indefinite postponement.

Also, House Bill No. 102, "An Act amendatory to 'an Act to exempt certain property from attachment and execution,'" and recommended the following Bill as a substitute:

House Bill No. 137, "An Act to exempt certain property from attachment and execution," and recommended its passage.

Also, House Bill No. 24, and recommended its reference to the Codifying Commissioners.

On motion of Mr. Wright, the Bills reported by the Judiciary Committee, were ordered to be printed.

On motion of Mr. Wright, House Bill No. 70, "An Act relative to locating the County Seat of Anderson County," was taken up.

On motion of Mr. Vaile, it was referred to the Select Committee on County Seats.

On motion of Mr. Wright, House Bill No. 22, "An Act to increase the County Revenue," was taken up, and the House resolved itself into Committee of the Whole thereupon, Mr. Clark in the chair.

After some time spent therein, the Committee arose, reported progress, and recommended postponing the further consideration of the Bill until the Committee on Vice and Immorality should report.

The report of the Committee was concurred in.

On motion of Mr. Branscomb, the House resolved itself into Committee of the Whole on House Bill No. 33, "An Act relative to the acknowledgement of deeds and other writings," Mr. McDowell in the chair.

After some time spent therein, the Committee arose and reported the Bill back, recommending its passage.

The report of the Committee was concurred in.

Mr. Allison moved to amend Section 2, by inserting after the words "Notaries Public," the words "Justices of the Peace." Carried.

Mr. Curtiss moved to amend Section 1, by inserting after the words "Notaries Public," the words "Justices of the Peace." Lost.

Mr. Branscomb moved that the rules be suspended, the Bill read a second time, and put on its final passage.

Mr. Mitchell moved to amend, by referring it to a Select Committee of three. Lost.

The question recurring, on Mr. Branscomb's motion, it prevailed, and the rules were suspended and the Bill put on its final passage.

The question being, "Shall the Bill pass?"

The yeas and nays were demanded:

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Irvin, Lewis, Lynde, Lockhart, McDowell, Marsh, Medill, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Townsend, Vaile, Wright, Weider, Woodward and Walters—29.

The gentlemen voting in the negative were Messrs. Branscomb, Holaday and Mitchell—3.

So the Bill passed.

The title was agreed to.

Mr. Lockhart offered the following resolution:

Resolved, That no Bills of a local character be printed, unless by special order of this House.

Adopted.

Also:

Resolved, That the Docket Clerk be required to furnish a printed Daily Calendar, for the use of the members of this House.

Adopted.

Mr. Branscomb introduced House Bill No. 138, "An Act to authorize Mr. T. Williams and others to build a bridge across the little Arkansas river.

Referred to Committee on Public Roads.

Mr. McDowell introduced House Bill No. 139, "An Act relative to recording conveyances of real estate."

Referred to Committee on Judiciary.

Adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Wright moved to take up Council Bill No. 18, "An Act to establish and construct a Territorial road from some point near Fort Riley to some point at or near the Rocky Mountains." Carried.

Mr. Lynde, from Committee on Public Roads, being called upon, by the House, to report back said Council Bill No. 18, reported it back to the House, recommending its indefinite postponement.

On motion of Mr. Lynde, the Bill was recommitted to the Committee.

Mr. Mitchell, from Committee on Enrolled Bills, reported House Bill No. 130, Joint Resolutions, to be correctly enrolled.

The report was adopted.

Mr. Barry, from Committee on Agriculture and Manufactures, reported back House Bill No. 110, "An Act regulating the taking up of strays, with amendments, recommending its passage.

Mr. Roberts, of Leavenworth, offered the following resolution:

Resolved, That the Committee on Vice and Immorality be instructed to report a Bill on the subject of the sale of intoxicating liquors, making all those who sell the same, accountable for the damage resulting from use of the same.

Adopted.

Mr. Graham, of Nemaha, from Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred certain claims arising from the Leavenworth Constitutional Convention, and Clerk hire, and contingent expenses of the Council and House of Representatives at its last session, beg leave to report that they have had the same under consideration, and report the following Bill:

House Bill No. 140, "An Act to provide for payment of the Leavenworth Convention scrip, and scrip issued by the Speaker of the House and President of the Council.

The report was adopted.

Mr. Scott offered the following resolution:

Resolved, That the Clerk order the Journal printing suspended until the Bills of the House are printed.

Adopted.

Adjourned.

B. P. AYRES, Clerk.

SATURDAY, JANUARY 22, 1859,
TEN O'CLOCK, A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Morrow presented a petition from F. S. Norris and eight others, praying for a change in the County lines of Douglas County.

Referred to Committee on Counties and County Lines.

Mr. Roberts, of Leavenworth, from Committee on Federal Relations, reported House Bill No. 141, "An Act providing for the formation of a Constitution and State Government, for the State of Kansas.

Mr. Lewis, of the Judiciary Committee, presented the following report from the Codifying Commissioners:

OFFICE CODIFYING COMMISSIONERS, }
January 21, 1859. }

To the Legislative Assembly:

We herewith transmit for your action, House Bill No. 142, "An Act regulating crimes and punishments," and recommend its passage.

Very Respectfully,
WILLIAM McKAY,
J. McCAHON.

On motion of Mr. Wright, the printing of said House Bill No. 142, was dispensed with.

On motion of Mr. Curtiss, the Bill was read a second time by its title.

On motion of Mr. Bailey, it was referred to a select Committee of three, consisting of Messrs. Bailey, Branscomb and Spriggs.

Mr. Morrow offered the following resolution:

Resolved, That House Bill No. 140, being "An Act to provide for the payment of the Leavenworth Convention scrip, and certificates of indebtedness of the last Legislature, signed by the Speaker of the House and President of the Council," be referred to the Committee on Ways and Means, with instructions, that said Committee incorporate the same in the general appropriation bill.

Adopted.

On motion of Mr. Roberts, of Leavenworth, the House resolved itself into Committee of the Whole, on House Bill No. 109, "An Act to regulate the Militia," Mr. Lynde in the Chair.

After some time spent therein, the Committee arose, and reported back the Bill with the following amendment, recommending its passage:

Amendment—Strike out all from the enacting clause to the forty-second section.

Mr. Stevenson moved that the Bill be indefinitely postponed,

Upon which the Yeas and Nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Canniff, Graham, of Doniphan, Lewis, Stevenson and Vaile—6.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Bailey, Curtiss, Danford, Dickerson, Finch, Graham, of Nemaha, Irvin, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts, of Leavenworth, Roberts, of Bourbon, Scott, Spriggs, Silvers, Wright, Wider, Woodward and Walters—25.

Lost.

Mr. Roberts, of Leavenworth, moved that the House non-concur in the amendment of the Committee.

Mr. Vaile moved an amendment, that the House concur in the amendment of the Committee,

Upon which the Yeas and Nays being demanded,

The gentlemen voting in the affirmative were Messrs. Branscomb, Bailey, Curtiss, Graham, of Nemaha, Lewis, Lockhart, Marsh, Morrow, Stevenson, Spriggs, Silvers, Vaile, Wright, Woodward and Walters—15.

The gentlemen voting in the negative were Messrs. Allison, Barry, Canniff, Clark, Danford, Dickerson, Finch, Graham, of Doniphan, Irvin Lynde, McDowell, Mitchell, Medill, Roberts, of Leavenworth, Roberts, of Bourbon, Scott and Weider—17.

So the amendment was lost.

The question recurring on the motion of Mr. Roberts, of Leavenworth,

The Yeas and Nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Canniff, Clark, Danford, Dickerson, Finch, Graham, of Doniphan, Irvin, Lynde, McDowell, Mitchell, Medill, Roberts, of Leavenworth, Roberts, of Bourbon, Scott and Weider—17.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Curtiss, Graham, of Nemaha, Lewis, Lockhart, Marsh, Morrow, Stevenson, Spriggs, Silvers, Vaile, Wright, Woodward, Walters—15.

So the motion to non-concur in the report of the Committee was carried.

Mr. Vaile moved to refer the Bill to a Select Committee of three.

Mr. Morrow moved to amend by taking up the Bill and reading it a second time by its title.

Mr. Vaile moved to amend the amendment by indefinitely postponing the Bill,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Bailey, Canniff, Curtiss, Clark, Finch, Graham, of Doniphan, Graham, of Nemaha, Lewis, Lockhart, McDowell, Marsh, Stevenson, Spriggs, Vaile, Woodward and Walters—17.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Danford, Dickerson, Irvin, Lynde, Mitchell, Morrow, Medill, Roberts, of Leavenworth, Roberts, of Bourbon, Scott, Silvers, Wright and Weider—15.

So the Bill was indefinitely postponed.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to notify your Honorable Body that the Council have passed Council Bill No. 19, entitled "An Act to locate and establish a Territorial Road from Atchison to Fort Riley."

Also, Council Bill No. 20, entitled "An Act to incorporate the Kansas Wesleyan University."

Also, Council Bill No. 22, entitled "An Act creating and organizing the County of Wyandott."

Also, Council Bill No. 45, entitled "An Act to incorporate the Town of Grasshopper Falls."

Also, Council Bill No. 47, entitled "An Act to amend an Act entitled 'an Act legalizing the Registry of Deeds for the city of Topeka.'"

Also, Council Bill No. 49, entitled "An Act providing for the location of the permanent Seat of Justice of Jefferson County."

Also, Council Bill No. 51, entitled "An Act to incorporate the Wyandott Mercantile Library and Literary Association," and your concurrence therein is respectfully solicited.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Roberts, of Bourbon, introduced House Bill No. 143, "An Act to repeal the Militia Law," passed Feb. 12, 1858.

Mr. Stevenson moved that the Bill be indefinitely postponed.

Upon which the yeas and nays being demanded,

The gentlemen voitng in the affirmative were Messrs. Allison, Canniff, Clark, Graham, of Doniphan, Lewis and Stevenson—6.

The gentlemen voting in the negative were, Messrs. Barry, Branscomb, Bailey, Curtiss, Danford, Dickerson, Finch, Graham, of Nemaha, Irvin, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts, of Bourbon, Roberts, of Leavworth, Scott, Spriggs, Silvers, Vaile, Wright, Weider, Woodward and Walters—26.

Lost.

On motion of Mr. Lockhart, the rules were suspended and the Bill read a second time and put upon its final passage.

The question being "Shall the Bill pass?"

It was decided in the affirmative, and the Bill was passed.

The title was agreed to.

Mr. Barry introduced House Bill No. 144, "An Act to incorporate the City of Ogden."

Referred to Committee on Corporations and Banking.

Also, House Bill No. 145, "An Act to lay out five new Counties West of the sixth principal Meridian, called Delaware, Osage, Sumner, Cherokee and Humboldt.

Referred to Committee on Counties and County Lines.

Mr. Lynde, from Committee on Public Roads, submitted the following report:

The Committee on Public Roads having House Bill No. 122, entitled "An Act to charter a Ferry across the Salina Fork at the town of Salina," under consideration, ask leave to report the same back and recommend its passage.

Also, House Bill No. 101, and recommend its passage.

Also, House Bill No. ——, "A General Law on the subject of Ferries," and recommend the passage thereof.

Also, House Bill No. 73, "An Act to amend on Act entitled an Act to charter a Ferry across the Missouri River at Wyandott, without recommendation.

EDWARD LYNDE, Chairman.

The report was adopted.

Mr. Graham, of Doniphan, introduced House Bill No. 146, "An Act to locate the Morris University at Doniphan."

Referred to Committee on Education.

Mr. Branscomb introduced House Bill No. 147, "An Act to incorporate the Scientific and Historical Society of Kansas."

Referred to Committee on Ways and Means.

Mr. Spriggs moved the suspension of the rule requiring the reference of Council Bills to the Committees, and that Council Bill No. 19, be taken up for consideration.

Mr. Finch moved to refer all the Bills to the appropriate Committees. Carried.

AFTERNOON SESSION.

Two o'clock.

On motion of Mr. Roberts, of Leavenworth, the Committee on Corporations and Banking, was discharged from the further consideration of Council Bill No. 51, "An Act to incorporate the Wyandott Mercantile Library and Literary Association," and the Bill was read a second time.

Mr. Wright moved to strike out the fourth section of the Bill, upon which motion the yeas and nays being ordered,

The gentleman voting in the affirmative were Messrs Allison, Barry, Canniff, Danford, Lynde, Lockhart, Roberts, of Bourbon, Stevenson, Spriggs, Vaile, Wright, Weider, Walters—13.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Curtis, Dickerson, Finch, Graham, of Doniphan, Graham, of Nemaha, Lewis, Marsh, Roberts, of Leavenworth, Scott, Silvers,—12.

Carried.

The Bill was read a third time by its title and passed.

The title was agreed to.

Mr. Curtiss introduced the remonstrance of Amos Moore and thirty-four others, against changing the southern boundaries of Douglas county.

Referred to Committee on Counties and County Lines.

Mr. Danford offered the following resolution:

Resolved, That the Special Committee to whom was referred House Bill No. 7, "An Act for the Repeal of the Bogus Statutes of Kansas Territory," be instructed to report by ten o'clock A. M. on Monday next.

Adopted.

On motion of Mr. Curtiss, House Bill No. 97, relative to changing the names of certain counties, was taken up, and

The House resolved itself into Committee of the Whole thereupon, Mr. Graham, of Nemaha, in the chair.

After some time spent therein, the Committee arose and reported back the Bill with amendments, recommending its passage.

On the question of concurring in the recommendations of the Committee,

Mr. Wright moved to strike out "Hoyt" and insert "Morris." Adopted.

Mr. Lewis moved the following amendment to the third section:

> This Act shall not take effect or be in force until after it has been submitted to the people for their ratification or rejection, at their first annual election for Representatives for the Territorial Legislature; and if a majority of the legal voters shall so decide, by a majority of all the votes polled, the Governor shall declare the votes by proclamation, and this Act shall become a law, and be in force in this Territory, and not otherwise.

Lost.

Mr. Wright moved the previous question, which was, "Shall the Bill pass?"

The Bill was passed.

The title was agreed to.

Mr. Roberts, of Leavenworth, from Committee on Federal Relations, reported back Council Bill No. 2, "An Act to alter the boundaries of Kansas Territory," recommending its passage,

On motion of Mr. Roberts, of Leavenworth, the Bill was read a second time by its title.

Mr. Danford moved its indefinite postponement. Lost.

The question being on the final passage of the Bill,

The yeas and nays were demanded:

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Canniff, Curtiss, Dickerson, Finch, Graham, of Doniphan, Graham, of Nemaha, Irvin, Lewis, Lynde, Marsh, Morrow, Stevenson, Vaile, Wright, Weider—17.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Clark, Danford, Lockhart, McDowell, Medill, Roberts, of Bourbon, Roberts, of Leavenworth, Scott, Spriggs, Silvers, Walters—13.

Carried.

Mr. Morrow introduced House Bill No. 149, "An Act to incorporate the Lawrence and Fort Union Railroad Company."

Referred to Committee on Banking and Corporations.

Mr. Bailey, from the Select Committee on House Bill No. 142, "An Act to regulate crimes and punishment of crimes against the persons of individuals," reported the same back, recommending its passage.

Mr. Wright moved to strike out, in section two hundred and sixty-three, all after the word "true," so as to make the truth of a libel a valid defense for any action or indictment,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Canniff, Finch, Lockhart, Spriggs, Vaile, Wright, Walters—8.

The gentleman voting in the negative were Messrs. Barry, Branscomb, Bailey, Curtiss, Clark, Danford, Dickerson, Graham, of Doniphan, Graham, of Nemaha, Irvin, Lewis, Lynde, McDowell, Morrow, Medill, Roberts, of Bourbon, Roberts, of Leavenworth, Scott, Stevenson, Silvers, Weider—21.

Lost.

The Bill was then read a third time and passed.

The title was agreed to.

Mr. Danford presented a petition from J. W. Babb and thirty-five others, praying for a law to prevent Arkansas and Texas people from driving stock into this Territory.

Referred to Committee on Agriculture and Manufactures.

Mr. Roberts, of Bourbon, moved that the Select Committee on Counties and County Seats be discharged from further consideration of Council Bill No. 36, "An Act to locate certain county seats," and that the Bill be read a second time.

Mr. Lewis moved to refer the Bill to the Special Committee on on County Seats. Carried.

Message from the Council:

Mr. Speaker—I am instructed to inform the House of Representatives that Council Bill No. 59, entitled "An Act to incorporate the city of Quindaro," has passed the Council, and your concurrence is respectfully solicited.

A. SMITH DEVENNEY, Secretary of Council.

Mr. Branscomb moved that the Committee be discharged from further consideration of Council Bill No. 59, "An Act to incorporate the city of Quindaro." Carried.

The Bill was read a second time.

The Bill was then read a third time and passed.

The title was agreed to.

Adjourned.

B. P. AYERS, Clerk.

MONDAY, JANUARY 24, 1859,
TEN O'CLOCK A. M.

Prayer by the Chaplain.

The Journal of Saturday's proceedings was read and approved.

Mr. Vaile presented a petition from T. D. Warren and 28 others for a Territorial road from Ship's Ferry to Leant's Ford, on the Black Vermillion.

Mr. Wright presented a remonstrance from C. B. Ellis and 40 others against a Territorial road from Elwood to Marysville.

Also, a petition from A. L. Perkins and 16 others for a Territorial road from Iowa Point to Topeka.

Mr. Medill presented a petition for a Territorial road from Leavenworth to Oskaloosa. All of which were

Referred to Committee on Public Roads.

On motion of Mr. Mitchell, the special order of the day was postponed to the first Wednesday in February.

Mr. Curtiss offered the following resolution:

Resolved, By the House of Representatives, the Council concurring, that we go into Convention to-morrow, at two o'clock, for the purpose of electing five Commissioners to examine the Kansas Valley Bank, as provided by Statutes.

Adopted.

Mr. Mitchell, from Select Committee on Joint Resolutions, requesting the Governor to offer rewards in certain cases, reported House Bill No. 75, "An Act authorizing the Governor to offer rewards in certain cases."

The rules were suspended, and the Bill was read a second and third time, and passed.

The title was agreed to.

Mr. Spriggs introduced House Bill No. 150, "An Act to district the Territory, for Members of the Legislature, and to provide for an apportionment."

Referred to Committee on Apportionment.

Also, House Bill No. 151, "An Act to provide for taking a census of the Territory."

Referred to Committee on Ways and Means.

Mr. Mitchell introduced House Bill No. 152, "An Act supplemental to an Act entitled 'An Act to incorporate the Cherokee Mining Company.'"

Referred to Committee on Corporations and Banking.

Mr. Vaile introduced House Bill No. 154, "An Act to incorporate the Palmetto Hotel Company," both of which were

Referred to Committee on Corporations and Banking.

Mr. Wright introduced House Bill No. 153, "An Act to change the boundaries of certain counties."

Referred to Committee on Counties and County Lines.

Mr. Vaile introduced House Bill No. 155, "An Act to authorize certain persons to build a bridge across the Big Blue River at the crossing of the Military road leading from Fort Leavenworth to Fort Kearney."

Referred to Committee on Public Roads.

Also, House Bill No. 156, "An Act to authorize the Sheriffs of certain counties to serve certain processes."

Referred to Committee on Judiciary.

Mr. Bailey, from Select Committee on House Bill No. 31, "An Act for the publication of certain general laws," submitted the following report:

The Committee to whom was referred House Bill No. 31, entitled "An Act for the publication of certain general laws," beg leave to report that they have had the same under consideration, and report the same back to the House, in a new draft, recommending its passage.

Adopted.

On motion of Mr. Mitchell, House Bill No. 31, reported by Select Committee, and entitled "An Act to provide for the publication of the general laws," was read.

Mr. Wright moved to refer the Bill to a Select Committee of three. Lost.

On motion of Mr. Branscomb, the Bill was taken up and read a second time, by its title.

Mr. Wright moved to amend by inserting the name of the Quindaro "Chindowan." Carried.

Mr. Lewis moved to amend by inserting the name of the Elwood "Press." Carried.

Mr. Vaile moved to amend by inserting the name of the Palmetto "Kansan." Lost.

Mr. Stevenson moved to amend by inserting the name of the Highland "Highlander." Carried.

Mr. Danford moved to amend by by inserting the name of the Linn County "Herald." Carried.

Mr. Canniff moved to amend by inserting the name of the Kansas "Messager."

Mr. Scott moved to amend the amendment by adding "and all other newspapers of the Territory."

Mr. Wright moved that the Bill be indefinitely postponed.

Upon which, the yeas and nays being ordered,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Curtiss, Clark, Dickerson, Holaday, Lockhart, McDowell, Marsh, Morrow, Medill, Roberts of Bourbon, Scott, Silvers, Wright, Weider, Woodward and Walters—18.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Canniff, Danford, Graham of Doniphan, Graham of Nemaha, Hovey, Irvin, Lewis, Mitchell, Roberts of Leavenworth, Stevenson, Spriggs and Vaile—14.

So the motion was carried and the Bill was indefinitely postponed.

On motion of Mr. Clark, House Bill No. 26, "An Act to provide for the relief of sufferers during the Kansas difficulties," was read.

The House resolved itself into Committee of the Whole on the special amendment to the Bill, Mr. Holaday in the chair.

After some time spent therein, the Committee arose and reported back the same, recommending it to be printed.

On motion of Mr. Scott, House Bill No. 16, "An Act providing for locating and making Highways," was taken up.

The House went into Committee of the Whole thereupon, Mr. Dickerson in the chair.

After some time spent therein, the Committee arose and reported back the Bill, recommending its passage.

The Bill was read a second and third time, and passed.

The title was agreed to.

Mr. Branscomb offered the following resolution:

Resolved, That the Clerk of this House be instructed to inform the Codifying Commissioners, of the passage of every law of a general nature, and furnish a copy of the same.

On motion of Mr. Lynde, the House went into Committee of Whole on House Bill No. 148, "An Act to regulate Ferries," Mr. Danford in the chair.

After some time spent therein, the Committee arose, and reported the Bill back, with the following amendments, recommending its passage.

AMENDMENTS.

Sec. 3. In 2d line strike out "five," and insert "one."

Sec. 8. In 3d line strike out the words "on the case," and insert "at law."

Sec. 9. Strike out all of first line and the words "made and," in the second.

Sec. 13. In first line strike out "used."

Sec. 14. In fifth line strike out "of debt," and insert "at law."

Sec. 15. Add, at close, "providing nothing in this Act shall be so construed as to affect vested rights, under special charters, already complied with."

Sec. 16. Stricken out entire.

The House concurred in the amendments of the Committee, and the Bill, thus amended, was read a second and third time and passed.

The title was agreed to.

On motion of Mr. Wright, 500 copies of the reports of the Comptroller and Treasurer were ordered to be printed for the use of the House.

On motion of Mr. Vaile, House Bill No. 107, "An Act relative to Land Limitations," was taken up.

The House resolved itself into Committee of the Whole thereupon, Mr. Curtiss in the chair.

After some time spent therein, the Committee arose and reported back the Bill, recommending that all after the enacting clause be stricken out.

The House concurred in the recommendation of the Committee.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform your Honorable Body, that the Council has had under consideration Council Bill No. 51, entitled "An Act to incorporate the Wyandott Mercantile Library and Literary Association," as amended by the House of Representatives, Jan. 22nd, 1859, and that the Council refuses to concur with the House, and insists upon the original Bill.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Wright moved to adjourn. Lost.

The House then took up Council Bill No. 51, "An Act to incorporate the Wyandott Mercantile Library and Literary Association."

Mr. Roberts, of Leavenworth, moved that the House recede from its amendments, which were non-concurred in by the Council, and amend the Bill as follows:

That so much of the property of the Association, real or personal, the proceeds whereof shall be used exclusively for the purposes of the Corporations, shall be exempt from taxation.

Mr. Vaile moved an amendment to the amendment to exempt $20,000 from taxation. Lost.

The question then being on Mr. Roberts' amendment, the House receded with the amendment.

AFTERNOON SESSION.

Two o'clock.

On motion of Mr. Lockhart, the Docket was read in regular order.

On motion of Mr. Lewis, House Bill No. 137, "An Act to exempt certain property from execution and sale," was taken up, and the House resolved itself into Committee of the Whole thereupon, Mr. Canniff in the chair.

After some time spent therein the committee arose and reported the Bill back, asking leave to sit again.

Leave was granted.

On motion of Mr. Danford, the Committee of the Whole was discharged from further consideration of the Bill, and it was referred to a Select Committee of three, consisting of Messrs. Mitchell, Danford and Wright.

On motion of Mr. Roberts, of Leavenworth, the House resolved itself into Committee of the Whole upon House Bill No. 118, "An Act relative to Apprentices," Mr. Branscomb in the chair.

After some time spent therein, the committee arose and reported back the Bill, recommending its passage.

The House concurred in the recommendation of the Committee, and the Bill was then passed.

The title was agreed to.

Mr. Vaile presented the petition, from B. R. Martin and 260 others, for a Territorial road from Palermo to Topeka.

Mr. Finch introduced House Bill No. 157, "An Act to locate a Territorial road from Leavenworth to Council Grove."

Mr. Walters introduced House Bill No. 158, "An Act to locate and establish a Territorial road from Leavenworth to Osawattomie.

Mr. Dickerson introduced House Bill No. 160, "An Act to authorize certain persons to build a bridge across Independence Creek," all of which were

Referred to the Committee on Public Roads.

Mr. Morrow introduced House Bill No. 159, "An Act to incorporate the Humboldt Bridge Company."

Referred to Committee on Corporations and Banking.

Mr. Graham, of Nemaha, presented a petition from John Sherwood and 44 others, for repealing certain Acts therein named.

Referred to Committee on Judiciary.

Mr. Branscomb presented a petition from ——— and — others, to empower the city of Palermo to issue bonds.

Referred to Committee on Corporations and Banking.

Also, from citizens of Franklin, in Douglas county, for a new township.

Referred to Committee on Ways and Means.

Also, House Bill No. 161, "An Act to incorporate the South Palermo Company."

Also, House Bill No. 162, "An Act to incorporate the Farmington Town Company," both of which were

Referred to the Committee on Corporations and Banking.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 24, entitled "An Act to grant Zach Curtiss a privilege to establish a ferry across the Big Blue river at Unadilla."

Also, Council Bill No. 52, entitled "An Act to incorporate and establish the city of Wyandott."

Also, Council Bill No. 60, entitled "An Act to establish a ferry across the Missouri river at White Cloud."

Also, Council Bill No. 61, entitled "An Act to amend an Act entitled 'An Act to incorporate the city of White Cloud.'"

Also, Council Bill No. 62, entitled "An Act to amend an Act entitled 'An Act to incorporate the White Cloud City Company.'"

Also, Council Bill No. 64, entitled "An Act organizing and temporarily locating the county seat of Wabaunsee county."

Also, Council Bill No. 74, entitled "An Act to prevent the destruction of stock by contagious diseases."

In which your concurrence is most respectfully solicited.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

MR. SPEAKER—I am directed to inform the House of Representatives that the Council has passed House Bill No. 27, with the following amendment, in which your concurrence is requested:

A. SMITH DEVENNEY,
Secretary of Council.

AMENDMENT.

Insert after "repealed," the following:

"And the Kansas Valley Bank, at Atchison, from the passage of this Act, shall be authorized to issue notes of all denominations, as low as one dollar, any prohibition in the charter of said bank to the contrary notwithstanding."

On motion of Mr. Roberts, of Leavenworth, House Bill No. 141, "An Act providing for a State Constitution and State Government for the State of Kansas," was taken up, and the House resolved itself into Committee of the Whole thereupon, Mr. Barry in the chair.

After some time spent therein, the Committee arose and reported back the Bill as amended, recommending that the fourth Section be referred to the Committee on Apportionment.

Mr. Bailey moved that the House non-concur, and that the Bill be referred to a Select Committee of six, pending which the House adjourned.

B. P. AYERS, Clerk.

TUESDAY, JANUARY 25, 1859.
NINE O'CLOCK A. M.

Prayer by Rev. Mr. Reynolds.

Mr. Curtiss presented a petition from P. T. Huff and thirty-seven others, for a Territorial Road from Lawrence to Emporia.

Also, from R. Lester and thirty-five others, for the same.

Mr. Roberts, of Bourbon, presented a petition from G. A. Miller and sixty others, for a Territorial Road from Lawrence to Osage city, in Allen County.

Also, from J. O. Marks and seventy-two others, for a Territorial road from Fort Scott to Pleasant Grove.

All of which were referred to the Committee on Public Roads.

Also, from John Chapman and one hundred and fifty-six others for changing the lines of Douglas county.

Referred to Committee on Counties and County Lines.

Mr. Hovey presented a petition from R. W. Catherson and ninety others, for a ferry across the Kansas river, opposite Monticello.

Referred to a Select Committee consisting of Messrs. Hovey, Graham of Doniphan, and Branscomb.

Mr. Graham, of Nemaha, from the Select Committee on the claims of Messrs. Morrow, Branscomb and Winchell, submitted the following report:

The Committee on Claims, to whom was referred the claims of Messrs. Branscomb, Morrow and Winchell, have had the same under consideration, and report the following:

That at a meeting of the settlers of this Territory, held in the city of Topeka, in May last, Messrs. Branscomb, Morrow and Winchell were appointed as a committee to proceed to the city of Washington and urge upon the President of the United States the necessity of a postponement of the Public Land Sales in said Territory; that in pursuance of such appointment, they did proceed to Washington and were successful in said application, to the relief of thousands of the citizens of Kansas.

The said committee are desirous that their expenses amounting to seven hundred and fifty dollars, ($750) should be appropriated for their relief.

Your committee report these facts for the consideration of the House.

GEO. GRAHAM, Chairman,
O. M. MARSH.

Adopted.

Mr. McDowell, from the Committee on Banking and Corporations, submitted the following report:

The Committee on Banking and Corporations, having had House Bill No. 1, entitled "An Act to incorporate St. Paul's Protestant Episcopal Church, Wyandott, Kansas."

House Bill No. 2, entitled "An Act to incorporate the Missouri Valley University at Wyandott."

House Bill No. 89, entitled "An Act incorporating the Town of Merrimac."

House Bill number 50, entitled "An Act to incorporate the Salina Town Company."

House Bill number 161, entitled "An Act to incorporate the South Palermo Town Company, Kansas Territory."

House Bill No. 68, entitled "An Act to incorporate the Monrovia Town Company."

House Bill No. 162, entitled "An Act to incorporate the Farmington Town Company."

House Bill No. 94, entitled "An Act to incorporate the Pike's Peak Express Company."

House Bill No. 113, entitled "An Act to incorporate Baldwin City," beg leave to report the same back to the House without recommendation.

Adopted.

Mr. Wright from the Select Committee on retrenchment submitted the following report:

The Select Committee on Retrenchment, heretofore appointed by this House, report that they have had the subject of fees and salaries under consideration, and find them in this Territory at a rate entirely out of proportion to the service required for the compensation due to labor.

We therefore recommend that the salary of Auditor, Comptroller and Treasurer be each reduced to $400.

That Probate Judges in counties where there are one thousand voters. may receive a salary at discretion of County Board, not exceeding $600, and in others not exceeding $400.

The Probate Court to have no jurisdiction except in probate matters, and to hold two terms a year.

No jury, except in special cases, and then to be selected for that case.

Two County Commissioners in each county, who, with the Probate Judge, shall be County Court.

The Commissioners in first class counties to have salaries of $50 per annum, in others $30 dollars per annum.

Clerk of Probate to be clerk to District Court and of the County Commissioners, and to receive fees, and not exceeding $100, from county treasury.

Sheriff not to receive more than $100 from county treasury.

No contract exceeding $20 shall be let except by public auction or proposals, of which due notice shall be given.

County attorney to receive fees, and not exceeding $100 from County Treasury.

Township Trustees or supervisors to receive not exceeding $5 per annum.

Town Clerk's and Town Treasurer's duties to be performed by trustees without additional expense.

District Court to sit in each county three times in the year.

The Committee have consulted with the Codifying Committee, and we are preparing a list of fees for all the county and town officers, and we will report by bill hereafter.

The Committee recommend that the house pass on the proposition herein set out, and refer this report, with the action of the House, to the Codifying Committee.

J. WRIGHT.

Adopted.

Mr. McDowell, from the Committee on Corporations and Banking submitted the following reports;

The Committee on Banking and Corporations, having had House Bill No. 144, entitled "An Act to Incorporate the City of Ogden," under consideration, beg leave to report that they would recommend the passage of the same by the House, as amended.

AMENDMENTS.

SEC. 2. Strike out entire section.

Alter the numbers of 3d and 4th sections to 2d and 3d.

The Committee on Banking and Corporations having had under consideration House Bill No. 159, entitled "An Act to incorporate the Humboldt Bridge Company," beg leave to report that they would recommend the passage of the same as amended.

AMENDMENTS.

Strike out all of section 3, and insert "substitute."

The Committee on Banking and Corporations, having had under consideration House Bills No. 91, entitled "An Act to charter the Spring Hill Cemetery Association," and No. 19, entitled "An Act to incorporate the city of Eudora," beg leave to report the same to the House without recommendation.

The Committee on Banking and Corporations, having had under consideration House Bill No. 116, entitled "An Act to charter a ferry across the South Platte river," beg leave to report that they would recommend the passage of the same.

The Committee on Banking and Corporations, having had under consideration House Bill No. 79, entitled "An Act to incorporate the Lecompton Bridge Company," beg leave to report the same, and would recommend its passage as amended.

AMENDMENTS.

SEC. 1. 6th and 7th lines, strike out the words "or within one mile of;" 8th line strike out "twenty-one" and insert the word "ten."

SEC. 5. Strike out the entire section and insert the following: "If said bridge is not commenced within two years from the passage of this Act, and completed within four years, this charter shall be forfeited."

All of which reports were adopted.

Mr. Lynde, from the Committee on Public Roads, submitted the following report:

The Committee on Public Roads, to whom was referred House Bill No. 73, having had the same under consideration, beg leave to report the same back, as amended in the body of the Bill, and recommend its passage.

Also, House Bill No. 100, "An Act to establish a ferry across the Arkansas river, at or near the mouth of the Fontaine Que Boille, in Arrapahoe county, in the Territory of Kansas," and recommend its passage.

EDWARD LYNDE, Chairman.

Adopted.

Mr. Bailey introduced House Bill No. 154, "An Act to incorporate the Council Grove Town Company."

Referred to Committee on Corporations and Banking.

Mr. Spriggs introduced House Bill No. 163, "An Act to establish a Territorial Road from Lawrence to Humboldt, in Allen county."

Mr. Weider introduced House Bill No. 165, "An Act to establish a Territorial Road from Atchison to Oskaloosa."

Mr. Graham, of Nemaha, introduced House Bill No. 166, "An Act to locate and establish a Territorial Road from Sumner to Kapronia."

Also, House Bill No. 167, "An Act to establish a ferry at Covington, on the Salina river." All of which were

Referred to Committee on Public Roads.

On motion of Mr. Bailey, the House refused to concur in the recommendations of the Committee of the Whole, to House Bill No. 141, "An Act to provide for a Constitutional and State Government for the State of Kansas."

Referred the same to a Select Committee, consisting of Messrs.

Bailey, Spriggs, Roberts of Bourbon, Graham of Doniphan, Weider and Clark.

On motion of Mr. Danford, Council Bill No. 74, "An Act to prevent the destruction of stock by contagious diseases," was taken up and read.

On motion of Mr. Mitchell, it was referred to a Select Committee consisting of Messrs. Mitchell, Danford and Lockhart.

Mr. Scott offered the following resolution:

Resolved, That while any unfinished business remains on the Calendar of this House, night sessions shall be held regularly, commencing this evening at seven o'clock.

Adopted.

On motion of Mr. Lynde, House Bill No. 119, "An Act to establish certain Territorial Roads," was taken up and read.

Mr. Curtiss moved to strike out the name of Georgetown where it occurred in the Bill. Carried.

Mr. Wright moved to amend Section 2, by inserting in the 9th line, after the word "Leavenworth," the word "Quindaro,"

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Graham of Doniphan, Irvin, Roberts of Leavenworth, Spriggs, Wright—7.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Nemaha, Hovey, Holaday, Holmes, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts of Bourbon, Scott, Silvers, Townsend, Weider, Woodward, Walters—25. Lost.

Mr. Stevenson moved to amend in the second section, by striking out the name of "J. Stirwalt" and inserting the name of "Faulkner." Lost.

Mr. Lewis moved to amend, in Section two in line ninth, by inserting after the word "from" the name of "Elwood." Lost.

Mr. Stevenson moved, in Section second, line two, to strike out "Elwood" and insert "Palermo." Lost.

Mr. Wright moved to amend Section two, by striking out, in the thirteenth line, the name of "Gunn" and inserting the name of "Johnson,"

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Branscomb, Finch, Irvin, Lewis, Lockhart, McDowell, Marsh, Roberts of Bourbon, Stevenson, Spriggs, Vaile, Wright—13.

The gentlemen voting in the negative were Messrs. Barry, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Lynde, Mitchell, Morrow, Medill, ~~Roberts~~ of Leavenworth, Scott, Silvers, Townsend, Weider, Woodward, Walters—23.

Lost.

Mr. Wright moved to amend Section second, by inserting in the third line, after the word "one" the words "Elwood, to Wyandott, *via* Leavenworth, Atchison and Quindaro," and naming as Commissioners, H. E. Adams, F. Johnson and E. Russell,

Upon which the yeas and nays being ordered,

The gentlemen voting in the affirmative were Messrs. Allison, Branscomb, Graham of Doniphan, Irvin, Lewis, Lockhart, McDowell, Roberts of Bourbon, Roberts of Leavenworth, Spriggs, Vaile, Wright, Weider—14.

The gentlemen voting in the negative were Messrs. Barry, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Nemaha, Hovey, Holaday, Holmes, Lynde, Mitchell, Morrow, Medill, Scott, Stevenson, Silvers, Townsend, Woodward, Walters—22.

Lost.

On motion of Mr. Graham of Nemaha, the first five sections were adopted.

Mr. Spriggs moved to amend in Section sixth, line second, by striking out "ten" and inserting "five." Lost.

Mr. Hovey moved to adopt the remaining Sections of the Bill,

Upon which motion the yeas and nays being demanded,

Those voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Irvin, Lynde, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts of Bourbon, Roberts of Leavenworth, Scott, Stevenson, Silvers, Townsend, Vaile, Weider, Woodward, Walters—32.

The gentlemen voting in the negative were Messrs. Lewis, Lockhart, Spriggs, Wright—4.

Carried.

The Bill was read a third time and passed.

The title was agreed to.

Mr. Canniff, from the Joint Committee on Enrolled Bills, submitted the following report:

The Joint Committee on Enrolled Bills have examined the following bills and find them correctly enrolled:

House Bill No. 28, being a "Joint resolution relative to appropriations for finishing the Capitol at Lecompton."

Also, House Bill No. 130, being a "Joint resolution ordering the Secretary of the Territory to furnish statutes for the use of Members of the Legislative Assembly." Also, Council Bill No. 2, being a "Joint resolution memorializing Congress for a change of the Northern boundary of Kansas Territory."

Also, Council Bill No. 69, entitled "An Act incorporating the City of Quindaro."

H. J. CANNIFF.

On motion of Mr. Finch, House Bill No. 110, "An Act to provide for the taking up of estrays," was taken up and read.

On motion of Mr. Branscomb, the Bill was amended by striking out the word "plantation" where it occurred in the Bill, and inserting "farm."

Mr. Silvers moved to amend by striking out "enclosure" and inserting "inclosure." Lost.

Mr. Curtiss moved to strike out the sixteenth section. Lost.

On motion of M. Walters, the rules were suspended, the Bill was read a third time and passed.

The title was agreed to.

On motion of Mr. Wright, the House resolved itself into Committee of the Whole, upon House Bill No. 132, "An Act regulating contracts and promises," Mr. Mitchell in the Chair.

After sometime spent therein, the Committee arose, reported back the bill and recommended its reference to a Select Committee of three.

The House concurred, and Messrs. Wright, Lewis and Branscomb were appointed as that Committee.

Message from Council:

Mr. Speaker—I am directed to inform the House of Representatives that the Council have passed the following concurrent resolution, in which your concurrence is respectfully requested:

Resolved, By the Council, (the House of Representatives concurring,) That Josiah Miller, of Lawrence; Henry J. Adams, of Leavenworth; George S. Hillyer, of Grasshopper Falls; Thomas G. Thornton, of Topeka, and R. L. Pease, of Atchison county, be and they are hereby constituted a Board of Commissioners to examine the condition of the Kansas Valley Bank, according to the provisions of the forty-second, forty-third and forty-fourth sections of the Act chartering said Bank.

On motion of Mr. Roberts, of Bourbon, the Council joint concurrent resolution, relative to appointing Commissioners to examine the Kansas Valley Bank, was concurred in.

Mr. McDowell, from Committee on Corporations and Banking, submitted the following report:

The Committee on Corporations and Banking, having had under consideration House Bill No. 127, entitled "An Act for the relief of the Kansas Valley Branch Bank at Atchison," beg leave to report the same for the consideration of the House.

Also, House Bill No. 55, entitled "An Act to incorporate the Bank of Leavenworth," beg leave to report the same for the consideration of the House.

Ordered to be printed.

Mr. Allison introduced House Bill No. 168, "An Act to locate a Territorial road from Lawrence to some pointon the Northern boundary of Brown County, opposite Falls City, Nebraska."

Mr. Dickerson introduced House Bill No. 169, "An Act to locate and astablish a Territorial from Mount Pleasant, Atchison County, to Powhattan, Brown County."

Mr. Irvin introduced House Bill No. 170, "An Act declaring the Military Road from Fort Leavenworth to Fort Kearney, a Territorial road."

All of which were referred to Committee on Public Roads.

AFTERNOON SESSION.

TWO O'CLOCK.

On motion of Mr. Wright, House Bill No. 15, "An Act regulating Elections, was taken up, and House resolved itself into

Committee of the Whole thereupon, Mr. Roberts of Leavenworth, in the Chair.

After some time spent therein, the Committee arose and reported the Bill back with amendments, recommending its passage.

The House concurred in the recommendations of the Committee.

Mr. Bailey moved to amend Section 96, by striking out all between the word "laws" in the —— line, and "are hereby" in —— line, and to insert "heretofore passed." Carried.

Message from the Council:

Mr. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council have passed Council Bills Nos. 48, 50, 55, 68, 71, 26, 58, 59, 25, 54, 28 and 56, and respectfully request your concurrence therein.

Also, passed House Bill No. 11, entitled "An Act concerning the service of process," with amendments. Your concurrence is asked in the same as amended.

A. SMITH DEVENNEY,
Secretary of Council.

AMENDMENTS.

SEC. 1. Strike out "January" and insert "July." Strike out "1859" and insert "1858."

Mr. Hovey moved to strike out in section —— line —— the words "as hereinafter provided."

Adopted.

On motion of Mr. Bailey, section 95 was changed to 96, and 96 was changed to 95.

Mr. Danford, offered the following amendments:

SEC. 96, That the clerk of the tribunals transacting county business, shall prepare and furnish, ten days previous to each election, to the canvassers of each town and ward in their respective counties, blank poll books, returns and certificates.

Carried.

The Bill was then passed.

The title was agreed to.

Mr. Roberts, of Bourbon, moved to take up House Bill No. 136. Lost.

On motion of Mr. Woodward, Council Bill No. 154, "An Act to authorize county supervisors to issue county bonds, and for other purposes," was taken up.

The House resolved itself into Committee of the Whole thereupon, Mr. Bailey in the chair.

After some time spent therein, the committee arose and reported back the Bill, recommending its reference to the Committee on Ways and Means.

The House concurred in the recommendation of the committee.

Mr. Lewis, from the Judiciary Committee, presented the following report of the Codifying Commissioners:

OFFICE CODIFYING COMMISSIONERS,
January 25, 1859.

To the Legislative Assembly:

We herewith transmit for your action, House Bill No. 171, "An Act relating to Minors," and recommend its passage.

Very respectfully,
WILLIAM McKAY,
E. S. LOWMAN,
J. McCAHON.

The Bill was ordered to be printed.

On motion of Mr. Bailey, House Bill No. 26, "An Act for the relief of Kansas sufferers, was referred to a Select Committee, consisting of Messrs. Bailey, Lynde and Holliday.

Adjourned.

B. P. AYRES, Clerk.

WEDNESDAY, JANUARY 26, 1859.
NINE O'CLOCK A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Roberts, of Bourbon, presented a petition from William Maynard and thirty others, for a charter to construct a dam across the Marias des Cygne river at the Cherokee Trading Post.

Referred to Committee on Corporations and Banking.

Also, from Jacob Clark and one hundred and twenty-six others, against any change in the county lines of Franklin county.

Mr. Danford presented a petition from M. P. McDaniel and three hundred and thirty-three others, for a change of county boundaries so as to conform to township lines.

All of which were referred to Committee on Counties and County Lines.

Mr. Silvers presented a petition from George T. Young and thirty-seven others, for a charter to build a bridge across Soldier creek.

Referred to Committee on Public Roads.

Mr. Canniff presented a petition from George Hobson and thirty-seven others, for a new county, to be called Osage.

Mr. Lockhart presented a remonstrance from Thomas H. Ellis and thirty-seven others, against any change in the county lines of Johnson county.

Also, from William Holmes and two hundred others, against any division of Johnson county.

All of which were referred to Committee on Counties and County Lines.

Mr. Wright introduced House Bill No. 172, "An Act supplemental to 'An Act to establish certain Territorial roads,' " and moved that the rules be suspended and the bill read a second time. Carried.

The Bill was then read a third time and passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform the House of Representatives that the Council have passed Council Bills Nos. 76, 39, 73, 78, 38, 30 and 82, and request your concurrence therein.

A. SMITH DEVENNEY, Secretary of Council.

Mr. Canniff, from Committee on Counties and County Lines, submitted the following reports:

The Committee on Counties and County Lines have had the following Bills under consideration, and report them to the House without recommendation:

House Bill No. 153, entitled "An Act to change the boundaries of certain Counties."

House Bill No. 174, entitled "An Act to establish and organize the County of Osage."

Council Bill No. 22, entitled "An Act creating and organizing the County of Wyandott."

Council Bill No. 64, entitled "An Act organizing and temporarily locating the County seat of Wyandott County."

Council Bill No. 68, entitled "An Act organizing and temporarily locating the County seat of Weller County."

Also, a petition for the location of the County seat of Allen County, and recommend its reference to the Select Committee on County Seats.

H. J. CANNIFF, Chairman.

Also, House Bill No. —, entitled "An Act establishing certain Counties, and to define the boundaries thereof."

H. J. CANNIFF, Chairman.

Adopted.

Mr. Lynde, from the Committee on Public Roads, submitted the following report:

The Committee on Public Roads, to whom was referred House Bill No. 82, having had the same under consideration, beg leave to report the same back with amendments, and recommend its passage.

AMENDMENTS.

Strike out in the first section all after the word "him," in the eighth line. Also, in the fourth line strike out "twenty" and insert "five."

Also, Council Bill No. 59, "An Act to establish a ferry over the Kansas River at Manhattan City, in the Territory of Kansas," and recommend its passage.

Also, Council Bill No. 19, "An Act to charter a ferry across the Kansas River," with amendments.

AMENDMENTS.

Strike out in the tenth line the word "twenty," and insert "five," and recommend its passage, as amended.

Also, House Bill No. 135, "An Act to charter a ferry across the Neosho River," and recommend its passage.

Also, House Bill No. 84, "An Act to establish a ferry at Humboldt, Allen County," and recommend its passage.

Also, House Bill No. 160, "An Act to authorize Joseph B. Batie to build a bridge across Independence Creek," and recommend its passage. All of which is respectfully submitted.

E. LYNDE, Chairman.

Adopted.

Mr. McDowell, from the Committee on Corporations and Banking, submitted the following reports:

The Committee on Banking and Corporations having had under consideration Council Bill No. 52, entitled "An Act to incorporate and establish the city of Wyandott," beg leave to report that they would recommend the passage of the same by the House.

McDOWELL.

The Committee on Banking and Corporations have had under consideration Council Bill No. 48, entitled "An Act to incorporate the Neosho Falls Water Power and Manufacturing Company."

Council Bill No. 50, entitled "An Act to incorporate the Society of the Sons of Truth;" and beg leave to report the same without recommendation, for the consideration of the House.

McDOWELL.

Also, the Committee on Banking and Corporations having had under consideration Council Bill No. 45, entitled "An Act to incorporate the town of Grasshopper Falls," beg leave to report that they would recommend its passage by the House.

McDOWELL.

Also, the Committee on Banking and Corporations having had under consideration House Bill No. 115, entitled "An Act to incorporate the Pawnee Bridge Company," beg leave to report that would recommend the passage of the same by the House as amended.

McDOWELL.

AMENDMENTS.

Sec. 2. Eighth line, strike out the word "exclusive;" eleventh line, strike out all after the word "bridge," in this line, to the end of the fourteenth line.

Also, the Committee on Banking and Corporations having had under consideration House Bill No. 124, entitled "An Act to incorporate Leavenworth City Gas Company," beg leave to report that they would recommend its passage.

McDOWELL.

Also, the Committee on Banking and Corporations having had under consideration House Bill No. 164, entitled "An Act to incorporate the Council Grove Town Company," and House Bill No. 65, entitled "An Act to incorporate Grace Church, in the city of Atchison," beg leave to report the same without recommendation, to the House as amended.

AMENDMENTS.

House Bill 65, in Sec. 2, in fifth line, strike out the words "four hundred" and insert the word "ten."

J. L. McDOWELL, Chairman.

Also, the Committee on Banking and corporations having had under consideration House Bill No. 114, entitled "An Act to incorporate the 142 Creek Bridge Company," beg leave to report they would recommend its passage by the House as amended.

McDOWELL.

AMENDMENTS.

Section 2, eighth line, strike out the word "exclusive." Strike out all between the word "bridge" in the tenth line, and the word "for," in the fourteenth line.

Also, the Committee on Banking and Corporations having had under consideration Council Bill No. 56, entitled "An Act to amend an Act entitled 'An Act to incorporate the Lawrence Bridge Company,'" beg leave to report:

That they would recommend its passage, as amended. Strike out Section 2 and insert the substitute.

McDOWELL.

All of which were adopted.

Mr. Lewis, of the Judiciary Committee, presented the following report from the Codifying Commissioners:

OFFICE CODIFYING COMMISSIONERS,
January 25, 1859.

To the Legislative Assembly:

We herewith transmit, for your action, House Bill No. 173, "An Act to provide for the organization, supervision and maintenance of common schools, and recommend its passage.

Very Respectfully,

WILLIAM McKAY,
E. S. LOWMAN,
J. McCAHON.

Mr. Lewis moved that said House Bill 173 be taken up and read.

Mr. Wright moved an amendment, that the salary of the Territorial Superintendent of Public Schools be reduced from $1,500 to $800.

Upon which, the yeas and nays being ordered,

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Curtiss, Danford, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Lewis, Lynde, Lockhart, Marsh, Roberts of Bourbon, Roberts of Leavenworth, Scott, Spriggs, Silvers, Vaile, Wright, Weider, Woodward, Walters—23.

The gentlemen voting in the negative were Messrs. Allison, Canniff, Morrow, Stevenson, Townsend—5.

Carried.

The rules were then suspended, the Bill was put upon a third reading and passed.

The title was agreed to.

Mr. Lewis, from select committee on House Bill No. 132, "An Act to regulate contracts and promises," submitted the following report:

The subscribers ask leave to submit the following report:

In the fifth Section, second line, strike out the after the word "consideration," "In the same manner as sealed instruments now do," and would recommend the passage of the bill as amended.

W. L. LEWIS.
C. H. BRANSCOMB.

I recommend the Bill to be indefinitely postponed.

J. W. WRIGHT.

Laid on the table.

On motion of Mr. Roberts, of Bourbon, House Bill No. 174, "An Act to organize the county of Osage," was taken up, and after reading, was indefinitely postponed.

On motion of Mr. Roberts, of Leavenworth, Council Bill No. 22, "An Act to organize and establish the County of Wyandott," of was taken up,

Mr. Lockhart moved to amend by striking out all that portion of the Bill relative to including any portion of Johnson county,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Canniff, Curtiss, Danford, Hovey, Holaday, Lewis, Lockhart, Mitchell, Townsend, Walters—12.

The gentlemen voting in the negative were Messrs. Allison, Bailey, Clark, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Holmes, Lynde, McDowell, Marsh, Morrow, Medill, Roberts of Bourbon, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Vaile, Woodward—22.

Lost.

Mr. Roberts, of Leavenworth, moved the second reading of the Bill,

Upon which the yeas and nays being demanded—

The gentlemen voting in the affirmative were Messrs. Allison, Bailey, Canniff, Dickerson, Finch, Graham of Doniphan, Graham of Brown, Holmes, Irvin, Lynde, Morrow, Roberts of Bourbon, Roberts of Leavenworth, Scott, Spriggs, Silvers, Wider, Woodward—18.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Curtiss, Clark, Danford, Hovey, Holaday, Lockhart, Lewis, McDowell, Marsh, Medill, Stevenson, Townsend, Wright, Walters—16.

Mr. Hovey moved the reference of the Bill to a Select Committee of three,

Pending which a call of the House was ordered, and the Sergeant-at-Arms brought in absentees.

On motion, further proceedings under the call were dispensed with.

The yeas and nays, on Mr. Hovey's motion, being demanded—

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Curtiss, Clark, Danford, Hovey, Holaday, Irvin, Lewis, Lockhart, McDowell, Mitchell, Marsh, Medill, Scott, Stevenson, Spriggs, Townsend, Wright, Woodward, Walters—21.

The gentlemen voting in the negative were Messrs. Allison, Bailey, Canniff, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Holmes, Lynde, Morrow, Roberts of Leavenworth, Roberts of Bourbon, Silvers, Vaile, Woodward—15.

Carried.

Messrs. Hovey, Roberts of Leavenworth, Graham of Nemaha, were announced as that Select Committee.

On motion of Mr. Canniff, House Bill No. 153, "An Act to change the boundaries of certain counties," was taken up and read.

Mr. Mitchell moved that the Bill be indefinitely postponed,

Upon which the yeas and nays being demanded—

Those voting in the affirmative were Messrs. Barry, Branscomb, Bailey, Canniff, Clark, Dickerson, Graham of Doniphan, Graham of Nemaha, Holmes, Holaday, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts of Bourbon, Roberts of Leavenworth, Scott, Spriggs, Townsend, Vaile, Weider, Walters—27.

The gentlemen voting in the negative were Messrs. Canniff, Danford, Finch, Stevenson, Silvers, Wright, Woodward—7.

Carried.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body that the Council has passed Council Bills No. 65, 66 and 67, reported by the Codifying Commissioners, and your concurrence therein is respectfully solicited.

A. SMITH DEVENNEY,
Secretary of the Council.

Mr. Branscomb, from Select Committee on Council Bill No. 54, submitted the following report:

The Select Committee to whom was referred Council Bill No. 54, "An Act to authorize Boards of County Supervisors to issue County bonds, and for other purposes," having had the same under consideration, beg leave to report that said Bill be passed with the following amendment to the last section: "*Provided*, that the provisions of this Act, which authorize the issuing of County bonds, shall not apply to the Counties of ——."

C. H. BRANSCOMB.

Adopted.

House Bill No. 54, was made the special order for to-day at 2 o'clock.

AFTERNOON SESSION.

Two o'clock.

Mr. Curtiss presented a petition from a J. A. Blinn and 200 others, for the relief of the tax payers of Douglas County.

Referred to Committee on Ways and Means.

Also, from Isaac Davis and 25 others, for a Prohibitory Liquor Law.

Referred to Committee on Vice and Immorality.

Mr. Barry introduced House Bill No. 175, "An Act to incorporate Junction City."

Mr. Bailey introduced House Bill No. 179, "An Act to incorporate the Americus Town Company."

Mr. Graham, of Nemaha, introduced House Bill No. 181, "An Act to incorporate the Robinson Town Company."

Mr. McDowell introduced House Bill No. 182, "An Act to incorporate the Montana Town Company."

Mr. Roberts, of Bourbon, introduced House Bill No. 184, "An Act to incorporate the Rowena Town Company."

Mr. Silvers introduced House Bill No. 185, "An Act to charter a Bridge across Soldier Creek, at Indianola."

All of which were referred to Committee on Corporations and Banking.

Mr. Barry introduced House Bill No. 176, "An Act for the relief of the Kansas River Bridge Company."

Mr. Bailey introduced House Bill No. 177, "An Act establishing two ferries across the Big Blue River at Manhattan."

Mr. Townsend introduced House Bill No. 183, "An Act establishing a bridge across the Kansas River at any point between the mouth of the Kansas and a point on the Kansas River opposite the mouth of Stranger Creek."

All of which were referred to Committee on Public Roads.

Mr. Barry introduced House Bill No. 180, "An Act to incorporate the Americus Cemetery Association."

Referred to Committee on Education.

Mr. Vaile introduced House Bill No. 186, "An Act to incorporate the Kansas Turnpike Company."

Also, House Bill No. 187, "An Act to establish a Toll Bridge across the Big Blue River."

Both of which were referred to a Select Committee, consisting of Messrs. Vaile, Barry and Roberts, of Bourbon.

On motion of Mr. Roberts, of Bourbon, the House resolved itself into Committee of the Whole, on Council Bill No. 54, "An Act to authorize certain Counties to issue County bonds, and for other purposes," Mr. Marsh in the Chair.

After some time spent therein, the Committee arose and reported back the Bill, recommending that the House non-concur in the substitution of Council Bill No. 54 for House Bill No. 30.

The House agreed to the recommendation of the Committee.

On motion of Mr. Spriggs, House Bill No. 27, "An Act entitled 'An Act to prohibit the circulation of small bills,'" was taken up.

Mr. Spriggs moved to concur in the amendments of the Council to the Bill,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Bailey, Branscomb, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Holaday, Irvin, Lockhart, Mitchell, Roberts of Bourbon, Roberts of Leavenworth, Stevenson, Spriggs, Vaile, Weider, Woodward—18.

The gentlemen voting in the negative were Messrs. Barry, Danford, Hovey, Lewis, Lynde, McDowell, Marsh, Morrow, Medill, Scott, Silvers, Townsend, Wright, Walters—14.

Carried.

Message from the Council:

MR. SPEAKER:—I am directed to inform the House of Representatives, that the Council refuses to concur in House resolution relative to the appointment of Commissioners to examine the condition of affairs of the Kansas Valley Bank.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. McDowell, on leave, withdrew House Bill No. 127, "An Act for the relief of the Valley Branch Bank at Atchison," and reported a substitute in lieu thereof, and moved that the substitute go to a second reading.

Mr. Vaile moved an amendment that the substitute be printed. Carried.

On motion of Mr. Roberts, of Bourbon, the House resolved itself into Committee of the Whole, on House Bill No. 136, "An Act organizing and establishing the Counties of Montana, El Paso, Oro, Tehama and Cochatopa," Mr. Roberts, of Leavenworth, in the Chair.

After sometime spent therein, the Committee arose and reported back the Bill, with the following amendments, recommending its passage:

AMENDMENTS.

In the title, and through the Bill, wherever the word "Tehama" occurs, strike it out, and insert in lieu thereof, the word "Broderick."

In the title, and through the Bill, wherever the word "Cochatopa" occurs, strike it out, and insert in lieu thereof, the words "Jessie Fremont."

Section 4, line third, strike out the words "due North," and insert the words "North-Easterly," in place thereof; also, same section and line, after the words "to the," strike out "North-West," and insert "South-West" in place thereof.

Section 5, line second, strike out the first word in the line "West," and insert "East."

Section 7, line first, strike out name of "J. Hinman," and insert in lieu thereof, the name of "A. D. Richardson." Same section, fourth line, last word in line, strike out "territory" and in lieu thereof, insert "county."

Section 8, line first, strike out "S. J. Norris and Nichols," and insert "William Walters and Charles Nichols" in place thereof.

Insert the following as Section ninth: "Section 9. That T. C. Dickson, Frank M. Cobb and T. L. Whitney be and are hereby constituted a Board of Commissioners to select and locate a county seat, temporarily, for the County of Jessie Fremont, whose duty it shall be, in making said location, to fix the same as near the geographical centre of said county, as they conveniently can, having due regard to the convenience and interest of the present and probable future population of said county."

Change the numberings of Sections 9, 10, 11, 12, 13, respectively to 10, 11, 12, 13 and 14, and strike out section fourteen entire.

Mr. Branscomb moved to amend the Bill, as reported by the Committee, by striking out the word "Fremont" wherever it occurs in the title and Bill.

Mr. Bailey moved an amendment by striking out "Jessie" wherever it occurs in the title or the Bill,

Upon which, the yeas and nays being demanded;

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Curtiss, Danford, Graham of Doniphan, Graham of Brown, Hovey, Holaday, Irvin, Lewis, McDowell, Roberts of Bourbon, Roberts of Leavenworth, Stevenson, Silvers, Walters—18.

The gentlemen voting in the negative were Messrs. Clark, Dickerson, Finch, Lynde, Lockhart, Mitchell, Marsh, Morrow, Medill, Scott, Spriggs, Townsend, Vaile, Wright, Woodward—15. Carried.

Mr. Lockhart moved to amend section eleven, line three, by striking out "nine" and inserting "six." Lost.

The House then concurred in the other recommendations of the Committee; and on motion of Mr. Roberts, of Bourbon, the Bill, as amended, was put upon its third reading and passed.

The title was agreed to.

Message from the Council:

Mr. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council have concurred in House Bill No. 142, "An Act regulating crimes and punishments." Also, The Council insist upon the passage of Council Bill No. 54, substitute for House Bill No. 30.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Roberts, of Leavenworth, offered the following resolution:

Resolved, That the Enrolling Clerk of this House be authorized to employ as many clerks as may be necessary to enroll all the Bills that may pass the Legislative Assembly, originating in this House, at a *per diem* not exceeding three dollars; and that the Sergeant-at-Arms be instructed to procure suitable rooms for their accommodation.

Adopted.

Mr. Curtiss offered the following resolution:

Resolved, That the report of the Committee on Claims, relative to the claim of Messrs. Branscomb, Morrow and Winchell, be referred to the Committee on Ways and Means, with instructions to provide for said claim in the general Appropriation Bill.

Adopted.

Mr. Barry offered the following resolution:

Resolved, That the Committee on Roads and Highways be instructed to report back to this House Council Bill No. 7.

Mr. Vaile moved an amendment that the Committee report at 4 o'clock P. M. to-morrow.

Carried, and resolution as amended adopted.

Mr. Wright moved that the Committee on Retrenchment be authorized to employ a clerk at three dollars per day. Carried.

Mr. Roberts, of Leavenworth, moved that the House adhere to its non-concurrence in the amendments of the Council to House Bill No. 54, "An Act to authorize County Supervisors to issue county bonds, substituting Council Bill No. 30 therefor," and asked a Committee of Conference thereupon. Adopted.

EVENING SESSION.

SEVEN O'CLOCK.

On motion of Mr. Roberts, of Leavenworth, House Bill No. 54, "An Act incorporating the city of Wyandott," was taken up.

The Bill was read a second and third time and passed.

The title was agreed to.

On motion of Mr. Lynde, Council Bill No. 45, "An Act to incorporate the town of Grasshopper Falls," was taken up.

The rules were suspended and the Bill was read a second and third time and passed.

The title was agreed to.

On motion of Mr. Morrow, House Bill No. 116, "An Act to charter a ferry across the South Fork of Cherry Creek," was taken up and

Read the second time.

The rules were suspended, the Bill read a third time and passed.

The title was agreed to.

On motion of Mr. Holaday, Council Bill No. 84, "An Act to authorize Josiah Bundy to establish a ferry at Bundy's ford, on the Marias De Cygnes river," was taken up and read.

Mr. Danford moved to amend in section 1, line 2, by inserting "for the period of five," after the word "ford." Carried.

The rules were suspended, the Bill read a second and third time and passed.

The title was agreed to.

Messrs. Branscomb, Wright and Marsh were announced as a Conference Committee on the part of the House, on House Bill No. 54, which the Council amended by substituting Council Bill No. 80 therefor.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform the House of Representatives that the Council complies with the request of the House of Representatives for a Committee of Conference on Council Bill No. 54, entitled "An Act to authorize Boards of county supervisors to issue bonds, and for other purposes," and appoint as such committee, on the part of the Council, Messrs. Crozier and Allen.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Wright, House Bill No. 113, "An Act to incorporate the town of Baldwin City," was taken up and

Read a second time.

The rules were suspended and the Bill was read a third time and passed.

The title was agreed to.

On motion of Mr. Lewis, House Bill No. 132, "An Act to regulate contracts and promises," was taken up.

Mr. Spriggs moved to amend the second section, by inserting at the close of said section the words "to the amount descending, or which may become assets." Lost.

Mr. Lewis moved that the rules be suspended, and the Bill read a second time.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Curtiss, Clark, Danford, Finch, Graham of Doniphan, Graham of Brown, Hovey, Holaday, Irvin, Lewis, Lockhart, McDowell, Marsh, Medill, Roberts of Leavenworth, Scott, Stevenson, Silvers, Townsend, Vaile, Woodward, Walters—26.

The gentleman voting in the negative were Messrs. Lynde, Mitchell, Spriggs and Wright—4.

Carried.

The Bill was then read a third time and passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform the House of Representatives that the Council have passed Council Bill No. 63, without amendment, and respectfully request your concurrence therein.

A. SMITH DEVENNEY,
Secretary of Council.

Adjourned.

B. P. AYERS, Clerk.

THURSDAY, JANUARY 27, 1859,
NINE O'CLOCK A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Lynde, from the Committee on Public Roads, submitted the following reports:

Mr. Lynde, from Committee on Public Roads, to whom was referred House Bill No. 129, "An Act to permit John S. Johnston and Charles C. Johnston to establish a ferry across the Kansas river at Manhattan city," beg leave to report the same back and recommend that it be indefinitely postponed, as the same privileges are contained in Council Bill No. —, reported by your committee to this House. Respectfully submitted.

LYNDE.

Mr. Lynde, from the Committee on Public Roads, to whom was referred House Bill No. 176, report the same back and recommend its passage.

Respectfully submitted,

E. LYNDE.

Also, the Committee on Public Roads, to whom was referred Council Bill No. 35, entitled "An Act to authorize Asahel Beach and others to construct a Bridge across Cow Creek, on the Santa Fe road near Beach's Trading Post," beg leave to report the same back and recommend its passage.

Also, the petition of George T. Young and thirty-seven others, praying for a Charter for a bridge across Soldier Creek at Indianola, and recommend that the prayer of the petitioners be granted.

Respectfully submitted,

EDWARD LYNDE, Chairman.

Also, the Committee on Public Roads, to whom was referred House Bill No. 183, entitled "An Act to establish a bridge across the Kansas river at any place between the mouth of the Wakarusa river and a point on the Kansas river opposite the mouth of Stranger creek," beg leave to report the same back and recommend that it be indefinitely postponed.

Respectfully submitted,

E. LYNDE, Chairman.

All of which were adopted.

Mr. McDowell, from Committee on Corporations and Banking, submitted the following reports:

The Committee on Banking and Corporations having had under consideration House Bill No. 120, entitled "An Act to change the name of Prairie City, and incorporate the town;"

And House Bill No. 184, entitled "A Bill incorporating the Rowena Town Company," beg leave to report the same to the House without recommendation.

The Committee on Banking and Corporations having had under consideration Council Bill No. 61, entitled "An Act to amend an Act entitled 'An Act to incorporate the White Cloud City Company.'"

And No. —, entitled "An Act to incorporate the White Cloud City Company," beg leave to report that they would recommend the passage of the same by the House.

McDOWELL.

Adopted.

Mr. Bailey, from Select Committee on Council Bill No. 49, submitted the following report:

The Select Committee, to whom was referred Council Bill No. 49, entitled "An Act to provide for the location of the county seat of Jefferson county," having had the same under consideration, report the same to the House, recommending its passage.

L. D. BAILEY.

Adopted.

Mr. Vaile, from Select Committee, on House Bill No. 186, submitted the following report:

The Special Committee to whom was referred House Bill No. 186, entitled "An Act to incorporate the Kansas Turnpike Company," beg leave to refer the Bill back to the House, and recommend its passage.

Adopted.

On motion of Mr. Lockhart, Council Bill No. 163, "An Act respecting Executors and Administrators," was taken up, and

Read a second time.

The rules were suspended and the Bill was read a third time and passed.

The title was agreed to.

Mr. Curtiss offered the following resolution:

Resolved, That the engrossing clerk of this House be and is hereby empowered and instructed, to employ such assistance as he may require in the discharge of his duties to this House.

Adopted.

On motion of Mr. Lewis, House Bill No. 171, "An Act relative to Minors," was put upon its second reading.

On motion of Mr. Mitchell, the Bill was amended by striking out the last clause of the second line in section first.

The rules were suspended, and the Bill put upon its third reading.

The question being "Shall the Bill pass?"

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Brown, Holaday, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Medill, Roberts of Bourbon, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Townsend, Vaile, Weider, Woodward, Walters—32.

The gentleman voting in the negative was Mr. Wright—1.

So the Bill passed.

The title was agreed to.

On motion of Mr. Roberts, of Bourbon, Council Bill No. 19, "An Act to locate and establish a Territorial Road, from Atchison to Fort Riley," was taken up.

On motion of Mr. Barry, the Bill was amended in section 1, line 2, by striking out the words "and construct or cause to be constructed," and it was referred to the Committee on Public Roads, with instructions to report it in a general Road Bill.

On motion of Mr. Mitchell, House Bill No. 127, "An Act to amend the charter of the Kansas Valley Branch Bank," was taken up, and the House resolved itself into Committee of the Whole thereupon, Mr. Townsend in the chair.

After some time spent therein, the Committee arose, reported progress and asked leave to sit again.

Leave was granted.

Mr. Branscomb offered the following resolution:

Resolved, That the courtesies of the House be extended to Gov. Stinson, and he be invited to a seat within the bar.

Adopted.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform the House of Representatives that the Council has passed House

Bill No. 118, entitled "An Act concerning apprentices," without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Roberts, of Bourbon, offered the following resolution:

Resolved, That Wm. J. King be and is hereby appointed Assistant Enrolling Clerk of this House for the remainder of the present Session.

Adopted.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform the House of Representatives the Council has passed Council Bill No. 96, entitled "An Act relating to Counties and County Officers." Your concurrence therein is respectfully requested.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Graham, of Nemaha, from Select Committee on Council Bill No. 22, submitted the following majority report:

The Select Committee, to whom was referred Council Bill No. 22, entitled "An Act locating and organizing the county of Wyandott," have instructed me to report the same, and recommend its passage, with an amendment, *Providing*, that said county organization shall be ratified by a vote of the qualified electors within the limits of the same.

Mr. Hovey, from the same Select Committee, submitted the following minority report:

The Select Committee, to whom was referred Council Bill No. 22, beg leave to report:

That they have had the same under consideration, and recommend that the policy indicated by this House in refusing, thus far, to disturb existing county lines, should still be adhered to, and more especially in this instance, where it is well known that the inhabitants residing in the district proposed to be taken from Johnson county, are unanimously opposed to the change. There is an identity of interest between the inhabitants of that section, and those of the remaining portion of that county, that is of the greatest importance to them, viz: in their social relations, their commercial transactions, in the construction of public roads, and, among the Shawnees, in their tribal relations, and by reason of their farming lands lying on both sides of said dividing line, which ought, under no circumstances, to be interfered with, and which cannot be disturbed without manifest injustice to them, in direct violation of their wishes, and against the remonstrances of a very large and overwhelming majority of the people of Johnson county.

We question the justice, propriety and honesty of acting in defiance to the known wishes of the people, in matters of local legislation, which not only results in no good, but which tends to engender disaffection, strife, and feeling of local excitement and agitation, that it is our duty in all cases, carefully to avoid.

Your attention is called to the numerous remonstrances which have been presented to this Body, signed by nearly all the legal voters in every township of Johnson county, protesting in the most solemn manner against the proposed division of that county, which remonstrances, as indicating the undoubted wish of the people, ought to, and must be respected.

We would further call your attention to the fact, that of the ten members comprising the delegation of the two counties, (Johnson and Leavenworth) directly interested in this question, nine are strenuously opposed to this Bill, while but one (Roberts of Wyandott) favors it.

We cannot, therefore, disregard the wishes of the people so plainly manifested through their Representatives, and under these circumstances, your Committee recommend the Bill be laid upon the table.

J. B. HOVEY,
Chairman Select Committee.

Mr. Roberts, of Leavenworth, moved that the majority report be adopted.

Mr. Lockhart moved an amendment that the minority report be adopted.

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Canniff, Curtiss, Clark, Finch, Hovey, Holaday, Lynde, Lockhart, McDowell, Marsh, Medill, Stevenson, Silvers, Vaile, Weider, Woodward, Walters—18.

The gentlemen voting in the negative were Messrs. Allison, Branscomb, Bailey, Danford, Dickerson, Graham of Doniphan, Graham of Brown, Holmes, Irvin, Lewis, Mitchell, Morrow, Roberts of Bourbon, Roberts of Leavenworth, Scott, Spriggs, Townsend, Wright, Mr. Speaker—18.

Lost.

So the minority report was laid on the table.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body, of the passage by the Council, of Council Bills No. 77 and 81, in which your concurrence is respectfully requested.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Lockhart moved that the rules be suspended, and Council Bill No. 22, "An Act creating and organzing the County of Wyandott," be taken up and indefinitely postponed.

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Curtiss, Clark, Danford, Finch, Hovey, Holaday, Lynde, Lockhart, McDowell, Marsh, Medill, Scott, Silvers, Vaile, Woodward, Walters—16.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Dickerson, Graham of Doniphan, Graham of Brown, Holmes, Irvin, Lewis, Mitchell, Morrow, Roberts of Bourbon, Roberts of Leavenworth, Stevenson, Spriggs, Townsend, Wright, Weider—20.

Lost.

Mr. Hovey moved to amend the Bill in section first, by striking out all that portion which provides for including a part of Johnson County in the proposed County of Wyandott. Carried.

Mr. Clark moved to amend in section first, by cutting off one township on the West end of the proposed County of Wyandott. Lost.

Mr. Marsh moved to amend section first, by running the West line of the proposed County of Wyandott to the line between ranges 22 and 23, and South to the lines between townships 12 and 13. Lost.

On motion of Mr. Roberts, of Leavenworth, the House went into Committee of the Whole, on the Bill, Mr. Wright in the Chair.

After some time spent therein, the Committee arose and reported back the Bill, having re-inserted in it all that portion of section first, providing for including a portion of Johnson County, in the proposed County of Wyandott, and recommended its passage.

Mr. Lynde moved to adjourn,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Branscomb, Curtiss, Clark, Danford, Hovey, Holaday, Lynde, Lockhart, McDowell, Marsh, Medill, Scott, Spriggs, Walters—14.

The gentlemen voting in the negative were Messrs. Allison, Barry, Bailey, Canniff, Dickerson, Finch, Graham of Doniphan, Graham of Brown, Holmes, Irvin, Lewis, Mitchell, Morrow, Roberts of Bourbon, Roberts of Leavenworth, Stevenson, Silvers, Townsend, Wright, Weider, Woodward—21.

Lost.

Mr. Roberts, of Leavenworth, moved to amend the Bill by inserting an additional section, providing that "at the next general election for members of the Territorial Legislature, polls shall be opened for the purpose of receiving votes for a permanent county seat; and the place receiving the highest number of all the votes cast, shall be the permanent county seat of Wyandott County." Carried.

Mr. McDowell moved to amend the Bill, by so changing it as to include all of Leavenworth County within the proposed County of Wyandott. Carried.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform the House of Representatives, that the Council has passed House Bill No. 16, "An Act to provide for locating and working highways," without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

MINORITY REPORT FROM THE CODIFYING COMMISSIONERS.

Office Codifying Commissioners,
January 24th, 1859.

To the Legislative Assembly:

The majority of the Codifying Commissioners have reported for your action "An Act relating to the election and duties of county officers." To that part of it which relates to the organization of the County Board of Supervisors, I cannot agree, and herewith respectfully submit a substitute for your consideration.

I have taken the Act of last winter as a basis. The amendments proposed are designed to meet the objections which have been urged against the system. The greatest of these is on account of its great expenses. This it is proposed to obviate by section ten, which provides that "The County Board of Supervisors shall meet on the second Monday next succeeding the annual township meetings, and on the Monday next succeeding the general election in each year, at the county seat, if there be one, in their respective counties, for the transaction of county business; *Provided*, that when the population of any county shall exceed ten thousand, the County Board may also hold sessions in the second Mondays of February and July, in each year." By the succeeding section, they are also allowed to hold special meetings on a call of a majority of the members of the Board. These provisions alone would remedy one of the greatest abuses of the system, the too frequent meetings of the Board; but that the objection, on account of the expense, may be entirely overcome, and the members of the Board deprived of the pleasure of dipping too deeply into the county treasury, section twelve provides that they shall not receive compensation for more than six days at the session succeeding the annual township meetings, nor more than twelve days at the session succeeding the general election, and that they shall not receive any compensation whatever for attendance at any special meeting. In those counties having a population exceeding ten thousand, in which sessions of the Board shall be held, on the second Mondays of February and July, the Supervisors shall not be entitled to receive any compensation for more than six days at each of said sessions. Under these provisions, the *per diem* allowance of a Board of five members could not exceed, in one year, one hundred and eighty dollars. It is also provided that no new township shall be set off or organized, unless it contain territory equal to at least thirty-six square miles, and at least five hundred inhabitants, except when an incorporated city or town is included within the limits of such township, and unless a petition be first presented, praying for the organization thereof, signed by at least fifty citizens resident therein. Under the election law of 1855, which remains in force at the present time, the number of voting precincts is limited to one in each township, and it is presumed that so many townships have been formed in certain large counties to suit the convenience of the voters, rather than from a design to add to the number of members in the county Board. To meet this, I have provided in the substitute submitted, that the county Board shall have power to establish one or more election precincts in any township, as the convenience of the inhabitants may require. If these provisions should be adopted, I am satisfied that the objections against the system will be met and overcome. Its expense will then be as small as any possible system that can be adopted, and we will retain an organization that has virtues not surpassed by any other. It has been adopted in New York, (in which it originated,) Michigan, Wisconsin, Illinois, California, and has gained favor enough in those States to remain undisturbed for a number of years. Under it, each township is represented in the transaction of its county business by a man of their own choice, uncontrolled by other sections of the county. He comes up to the sessions of the Board, fresh from his constituents, understanding their interests and representing their wants. He is also answerable to them at the end of one year, and if he violates the trust reposed in him, he can have a free permit to stay at home. In the Act reported by my colleagues, the Board is composed of three persons, selected from the county at large, and after the first election, one is to be elected in each year, to hold his office for the term of three years.

The security of the place for such a long period, assisted by other influences, might induce the members of a Board thus constituted, to bid defiance to the wants and interests of the county at large, and favor the interests of individuals or of a particular section. They may also all be chosen from one locality, and would naturally be inclined to favor that particular locality. As an instance of this, take Leavenworth county. The city of Leavenworth would be able to elect every member of the Board, and thereby obtain entire control of the affairs of the county, and turn its revenue to her own aggrandizement, without any regard to other points.

There is a principle involved in this question of more importance than would be thought at first view. The county Board, as it now exists, and as it is proposed to be continued by the Act herewith transmitted, is a ramification of our Republican from of government. The principle of district representation is applied to counties, and each portion is represented in the levying of taxes, and the transaction of other county business. The Legislature might, with as much propriety, be abolished, and three men selected from the Territory at large to govern us. I cannot deny that the county Board, under the present organization, has, in many instances, abused its powers in respect to the number of its meetings; but I cannot admit that to be a good reason why it should be abolished. If uncontrolled in the number and length of its meetings, the Legislature might see fit to meet oftener than the interests of the people required. But I apprehend that would not be a sufficient reason why it should be dispensed with and the government of the Territory vested in a triumvirate. I have also deviated from the Act of last winter in making provision for the raising of money by loan for the erection of county buildings and to meet a deficit in the county revenue, under the restriction that the question of making such loan shall first be submitted to a vote of the people of the county; and if a majority of votes be cast against it, the loan shall not be made. As to the provisions relating to the other county officers, we have agreed, and in respect to them, the Acts reported are similar. J. McCAHON.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council has passed Council Bills No. 88, entitled "An Act to merge the town government of the town of Leavenworth into the city of Leavenworth; also, to amend the Act incorporating said city." Your concurrence therein is most respectfully requested.

A. SMITH DEVENNEY,
Secretary of Council.

EVENING SESSION.

SEVEN O'CLOCK.

Mr. Lynde, from the Committee on Public Roads, submitted the following reports:

The Committee on Public Roads, to whom was referred Council Bill No. 18, entitled "An Act to establish and construct a Territorial road from some point at or near Fort Riley to some point near the base of the Rocky Mountains, at or near the 39th parallel of latitude," report the same back and recommend its passage.

The Committee on Public Roads having had House Bill No. 90, "An Act to establish a ferry across the Big Blue river," under consideration, report the same back and recommend its indefinite postponement.

The Committee on Public Roads having had Council Bill No. 24, "An Act to grant Zach Curtis ferry privileges on the Big Blue river, at Unadilla," under consideration, report the same back and recommend its passage.

The Committee on Public Roads, to whom was referred House Bill No. 80, "An Act to charter a ferry across the Missouri at Kickapoo," having considered the same, beg leave to report the same back and recommend its passage.

The Committee on Public Roads, to whom was referred Council Bill No. 7, and House Bill 72, with accompanying papers, having had the same under consideration, beg leave to submit House Bill No. 177, entitled "An Act to establish two ferries across the Big Blue river at Manhattan," as a substitute for both, and report the same for the consideration of this House.

The Committee on Public Roads, to whom was referred Council Bill No. 60, "An Act to establish a ferry across the Missouri river at White Cloud," report the same back and recommend its passage.

EDWARD LYNDE, Chairman.

All of which were adopted.

Mr. Lynde introduced House Bill No. 188, "An Act establishing a Territorial road from Lawrence to Shawnee."

Referred to Committee on Public Roads.

On motion of Mr. Clark, the special order for to-day, at 4 o'clock, was made the special order for to morrow at 2 o'clock.

Mr. McDowell, from Committee on Corporations and Banking, submitted the following reports:

The Committee on Banking and Corporations, to whom was referred Council Bill No. 82, entitled "An Act providing for incorporation of towns and villages," having had the same under consideration, beg leave to report that they would recommend the passage of the same by the House.

The Committee on Banking and Corporations having had under consideration House Bill No. 182, entitled "An Act incorporating the Montana Town Company," beg leave to report that they would recommend the passage of the same.

McDOWELL.

Both of which were adopted.

On motion of Mr. Danford, House Bill No. 182, "An Act to incorporate the Manhattan Town Company," was taken up and

Read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

On motion of Mr. Lynde, Council Bill No. 119, "An Act to provide for the location of the county seat of Jefferson county," was taken up.

Mr. Finch moved to amend by striking out, in Sec. 2, line 1, the word "March," and inserting the word "June;" and in the fourth line of the same section, by striking out the word "second" and inserting the word "first." Lost.

The Bill was read a second and third time and passed.

The title was agreed to.

Mr. Barry moved that Council Bill No. 7, "An Act to establish a ferry across the Big Blue at Manhattan," be taken up.

Mr. Vaile moved an amendment, that the substitute, House Bill No. 177, with the same title, be taken up.

Both motions were agreed to by consent.

Mr. Roberts, of Bourbon, moved to substitute House Bill No. 177 for Council Bill No. 7. Lost.

Mr. Lewis moved to refer the matter to a Select Committee of three. Lost.

Mr. Branscomb moved that Council Bill No. 7 and House Bill No. 177 be referred to Committee on Public Roads, with instructions to report two charters.

Mr. Barry moved to amend by inserting Council Bill No. 7, and recommend its passage. Lost.

The question then recurring on Mr. Branscomb's motion,

The yeas and nays were demanded upon it.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Danford, Graham of Doniphan, Irvin, Holaday, Mitchell, Morrow, Roberts of Leavenworth, Roberts of Bourbon, Stephenson, Townsend, Wright—13.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Canniff, Curtiss, Clark, Dickerson, Finch, Graham of Brown, Hovey, Lewis, Lynde, McDowell, Marsh, Medill, Scott, Spriggs, Silvers, Vaile, Weider, Woodward, Walters—21.

Lost.

Mr. McDowell introduced House Bill No. 189, "An Act to incorporate the St. Charles Town Company."

Referred to Committee on Corporations and Banking.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform the House of Representatives that the Council has passed Council Bill No. 101, entitled "An Act declaring the office of sheriff of

Doniphan county vacant." Your concurrence is respectfully requested.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Larzalere, Council Bill No. 101, "An Act declaring vacant the office of sheriff of Doniphan county," was taken up.

The rule was suspended, the Bill read a second and third time and passed.

Title was agreed to.

Adjourned.

B. P. AYERS, Clerk.

FRIDAY, JANUARY 28, 1859.
NINE O'CLOCK A. M.

The Journal of yesterday's proceedings was read and approvd.

Mr. Walters presented a remonstrance from J. A. Phillips and ninety others, against any change in the lines of Lykins county.

Mr. Bailey presented a remonstrance from J. E. Baum and two hundred and fifteen others, against any change in the Northern boundary of Franklin county. Both of which were

Referred to the Committee on Counties and County Lines.

Mr. Roberts, of Bourbon, presented a petition from J. A. McFaddi and twenty-two others, for the incorporation of the South Platte River Water Company.

Referred to the Committee on Corporations and Banking.

Mr. Wright gave notice that he would, on Monday next, introduce a Bill to incorporate the Kansas and Missouri Stage Company.

Mr. Branscomb gave notice that he would at an early day introduce a Bill making appropriations for the expenses of the Territory of Kansas, for 1859.

Also, a Bill providing for issuing Territorial bonds and funding the public debt.

Mr. Roberts of Leavenworth, presented a petition from J. B. Scott and one hundred and fifty others, for a Territorial Road from Wyandott to Belmont, Woodson county.

Referred to Committee on Public Roads.

Mr. McDowell, from the Committee on Corporations and Banking, submitted the following reports:

The Committee on Banking and Corporations, having had under consideration House Bill No. 183, entitled "An Act to incorporate the St. Charles Town Company," beg leave to report that they would recommend the passage of the same.

McDOWELL, Chairman.

The Committee on Banking and Corporations, having had under consideration Council Bill No. 39, entitled "An Act to amend an Act entitled 'An Act to incorporate the Missouri river and Rocky Mountain Railroad Company.' "

Council Bill No. 38, entitled "An Act to incorporate the Kansas Central Railroad Company," beg leave to report that they would recommend their passage.

McDOWELL, Chairman.

Adopted.

Mr. Canniff, from Committee on Counties and County Lines, reported House Bill No. 145, "An Act to organize counties West of the sixth principal meridian," recommending its passage. Adopted.

Also, Council Bill No. 78, "An Act to organize the counties of Wise, Butler and Chase," and recommended its passage. Adopted.

Also, House Bill No. 98, "An Act to amend the charter of the Leavenworth, Lawrence and Fort Gibson Railroad Company," and recommended its passage.

Mr. Lynde, from Committee on Public Roads, reported back House Bill No. 188, "An Act establishing a Territorial Road from Lawrence to Shawnee," and recommended its indefinite postponement.

Mr. Branscomb, from Committee on Ways and Means, reported back House Bill No. 147, "An Act to incorporate the Scientific and Historical Society of Kansas," and recommended its passage. Adopted.

Mr. Roberts, of Bourbon, introduced House Bill No. 190, "An Act to incorporate the town of Marmaton."

Also, House Bill No. 191, "An Act to incorporate the South Platte River Water Company."

Mr. Finch introduced House Bill No. 192, "An Act to incorporate the town of Hickory Point." All of which were

Referred to Committee on Corporations and Banking.

On motion of Mr. Danford, the House resolved itself into Committee of the Whole upon House Bill No. 127, "An Act to amend the charter of the Atchison Branch of the Valley Bank," Mr. Townsend in the Chair.

After some time spent therein, the Committee arose, reported back the Bill and asked leave to sit again.

Leave was granted.

Mr. Lewis, from the Judiciary Committee, submitted the following report:

The Judiciary Committee, having under consideration Council Bill No. 65, "An Act relative to Attorneys at law."

Also, Council Bill No. 67. "An Act respecting bonds, notes, and bills of exchange," report the same back and recommend the passage thereof.

Also, a Bill from the Codifying Commissioners, "An Act regulating proceedings on writs of *habeas corpus*."

Also, "An Act for securing leins to mechanics and others," and would recommend the passage thereof.

W. L. LEWIS, Chairman.

Also, the following report from the Codifying Commissioners:

OFFICE CODIFYING COMMISSIONERS,
January 27, 1859.

To the Legislative Assembly:

We herewith transmit for your action "An Act for securing liens to mechanics and others," and "An Act regulating proceedings on writs of *habeas corpus*," and recommend their passage.

Very respectfully,

WILLIAM McKAY,
E. S. LOWMAN,
J. McCAHON.

On motion of Mr. Roberts, of Leavenworth, the rules were suspended and House Bill No. 193, "An Act regulating proceedings on writ of *habeas corpus*," was taken up and

Read a second time.

The Bill was then read a third time and passed.

The title was agreed to.

Council Bill No. 65, "An Act relating to Attorneys at law," was taken up.

Mr. Bailey moved to amend, in Section six, by striking out the word "dispersed" and inserting the word "expelled." Lost.

The Bill was read a second time, and,

On motion of Mr. Lockhart, the rules being suspended, it was then read a third time and passed.

The title was agreed to.

House Bill No. 194, "An Act securing liens to Mechanics and others," was then taken up.

The Bill was read a second time, and, the rules being suspended, it was

Read a third a third time and passed.

The title was agreed to.

Council Bill No. 69, "An Act respecting bonds, notes and bills of exchange," was taken up. The rules were suspended and

The Bill was read a second and third time and passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body of the passage, by the Council, of Council Bills Nos. 21 and 98, in which your concurrence is invited.

A. SMITH DEVENNEY,
Secretary of Council.

Council Bill No. 82, "An Act providing for the incorporation of towns and villages," was taken up. The rules were suspended and

The Bill was read a second and third time and passed.

The title was agreed to.

Council Bill No. 96, "An Act relative to counties and county officers," was taken up.

The Bill was read a second time.

On motion of Mr. Lewis, both reports of the Codifying Commissioners relative to Counties and County Officers, were referred to a Select Committee consisting of Messrs. Bailey, Mitchell and Scott.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body, of the concurrence of the Council in the amendment by the House of Representatives, to Council Bill No. 34.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Clark, Council Bill No. 81, "An Act relative to conveyances," was taken up and referred to the Committee on Judiciary.

On motion of Mr. Lewis, House Bill No. 4, "An Act to amend the Ferry charter at the City of Elwood," was taken up and

Read a second time.

Mr. Stevenson moved to amend in section one, line three, by striking out the words "exclusive privileges." Lost.

The rules were suspended, the Bill was read a third time and passed.

The title was agreed to.

On motion of Mr. McDowell, House Bill No. 20, "An Act to incorporate the City of Sumner," was taken up.

The Bill was read a second and third time and passed.

The title was agreed to.

On motion of Mr. McDowell, House Bill No. 50, "An Act to incorporate the Salina Town Company," was taken up.

The Bill was read a second and third time and passed.

The title was agreed to.

Council Bill No. 35, "An Act to authorize R. Beach and others to construct a Bridge across Cow Creek on the Santa Fe road near Beach's trading post," was taken up.

Mr. Clark moved to amend in section four, line two, by striking out "month" and inserting "week." Lost.

The rules were suspended and the Bill read a second and third time and passed.

The title was agreed to.

On motion of Mr. Barry, House Bill No. 144, "An Act to incorporate the City of Ogden," was read a second and third time and passed.

The title was agreed to.

On motion of Mr. Danford, House Bill No. 189, "An Act to incorporate the St. Charles Town Company," was taken up.

The rules were suspended and the Bill was read a second and third time and passed.

The title was agreed to.

House Bill No. 1, "An Act to incorporate the St. Paul's Episcopal Church at Wyandott," was taken up.

The Bill was read a second and third time and passed.

The title was agreed to.

House Bill No. 19, "An Act to incorporate the City of Eudora," was passed.

The title was agreed to.

House Bill No. 2, "An Act to incorporate the Missouri Valley University at Wyandott," was passed.

The title was agreed to.

On motion of Mr. Roberts, of Bourbon, House Bill No. 84, "An Act to charter a Ferry at Humboldt in Allen County," was read a second and third time and passed.

The title was agreed to.

House Bill No. 65, "An Act to incorporate Grace Church in the City of Atchison," was taken up.

The Bill was read a second and third time and passed.

The title was agreed to.

House Bill No. 147, "An Act to incorporate the Scientific and Historical Society of Kansas," was taken up.

The Bill was read a second and third time and passed.

The title was agreed to.

House Bill No. 135, "An Act to charter a Ferry across the Neoshô river," was taken up.

The Bill was read a second and third time and passed.

The title was agreed to.

House Bill No. 159, "An Act to incorporate the Humboldt Bridge Company," was taken up.

The Bill was read a second and third time and passed.

The title was agreed to.

AFTERNOON SESSION.

TWO O'CLOCK.

The special order, Council Bill No. 22, "An Act organizing the county of Wyandott," was taken up.

Mr. Lynde moved to reconsider the motion by which all Leavenworth county was included within the proposed county of Wyandott. Carried.

Mr. McDowell moved to amend in Section 1 by striking out "twenty-one" and "twenty-two" and inserting "twenty-two" and "twenty-three." Carried.

Mr. Lockhart moved to amend Sec. 1 by making the center of the Kaw river the boundary of Wyandott county,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Curtiss, Danford, Finch, Hovey, Holaday, Lockhart, McDowell, Marsh, Medill, Spriggs, Woodward, Walters—12.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Bailey, Clark, Dickerson, Graham of Doniphan, Graham of Nemaha, Holmes, Irvin, Lewis, Lynde, Mitchell, Morrow, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Silvers, Townsend, Wright, Wider—22.

Lost.

Mr. Lockhart moved the indefinite postponement of the Bill,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Clark, Finch, Hovey, Lockhart, McDowell, Marsh, Medill, Scott—8.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Bailey, Curtiss, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Holaday, Holmes, Irvin, Lewis, Lynde, Mitchell, Morrow, Roberts of Bourbon, Roberts of Leavenworth, Stevenson, Spriggs, Silvers, Townsend, Wright, Weider, Woodward, Walters—26.

Lost.

Mr. Marsh moved to so amend the Bill as to include the counties of Douglas, Johnson and Leavenworth within the proposed county of Wyandott, and that Wyandott be the county seat.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Curtiss, Hovey, Lockhart, McDowell, Marsh, Medill, Spriggs, Wright—8.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Bailey, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Holaday, Holmes, Irvin, Lewis, Lynde, Mitchell, Morrow, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Silvers, Townsend, Weider, Woodward, Walters—26.

Lost.

Mr. Scott offered the following amendment to section first:

That the western boundary of Leavenworth county be and is hereby removed west three miles, to the range line dividing townships seven and eight.

Ruled out of order by the Chair.

Mr. Scott appealed from the decision of the Chair.

The House sustained the decision of the Chair.

Mr. McDowell offered the following amendments:

SEC. —. That the county of Wyandott shall be liable for all the moneys appropriated by the county of Leavenworth to be expended within the limits of said county of Wyandott, and that all taxes now assessed within said county of Wyandott, shall be paid into the county treasury of said county.

Carried.

Also,

SEC. —. And be it further enacted, That Wyandott county shall pay out of the first moneys in her treasury her proportion of the present debt of the county of Leavenworth.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Curtiss, Clark, Finch, Hovey, Holaday, Holmes, Lynde, Lockhart, McDowell, Marsh, Medill, Scott, Stevenson, Spriggs, Woodward, Walters—16.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Bailey, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Irvin, Lewis, Mitchell, Morrow, Roberts of Bourbon, Roberts of Leavenworth, Silvers, Townsend, Wright, Weider—18.

Lost.

Mr. Roberts, of Leavenworth, moved that the rules be suspended and the Bill put upon its second reading.

Upon which, the yeas and nays being demanded:

The gentlemen voting in the affirmative were Messrs. Barry, Bailey, Clark, Dickerson, Finch, Graham of Doniphan, Holmes, Irvin, Lewis, Lynde, Mitchell, Morrow, Roberts of Leavenworth, Stevenson, Spriggs, Silvers, Townsend, Wright, Weider, Walters—20.

The gentlemen voting in the negative were Messrs. Branscomb, Curtiss, Danford, Graham of Nemaha, Hovey, Holaday, Lockhart, McDowell, Marsh, Medill, Roberts of Bourbon, Scott, Woodward—13.

Carried.

Mr. McDowell moved the following amendment:

Sec. —. An election shall be held on the first Monday in March, 1859, at the usual places of holding elections, in Johnson and Leavenworth counties, and this question shall be submitted to a vote of the people of those counties.

Lost.

On motion of Mr. Roberts, of Leavenworth, the rules were suspended and the Bill read by its title.

A call of the House was ordered.

On motion of Mr. Wright, further proceedings under the call were dispensed with.

The question being, "Shall the Bill pass?"

The yeas and nays were ordered.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Dickerson, Graham of Doniphan, Graham of Nemaha, Holaday, Holmes, Irvin, Lewis, Lynde, Mitchell, Morrow, Roberts of Bourbon, Roberts of Leavenworth, Stevenson, Spriggs, Silvers, Townsend, Weider, Woodward, Walters—23.

The gentlemen voting in the negative were Messrs. Curtiss, Clark, Danford, Finch, Hovey, Lynde, McDowell, Marsh, Medill, Scott, Wright—11.

So the Bill passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform the House of Representatives, that the Council have passed Council Bills No. 84 and 91, and respectfully request your concurrence therein.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Mitchell, the House resolved itself into Committee of the Whole, upon House Bill No. 127, "An Act to amend the charter of the Atchison Branch of the Valley Bank," Mr. Branscomb in the Chair.

After some time spent therein, the Committee arose, reported progress, and asked leave to sit again, at 7 o'clock this evening.

Leave was granted.

Adjourned.

EVENING SESSION.

Seven o'clock, P. M.

Message from the Council:

Mr. Speaker—I am instructed by the Council, to inform the House of Representatives, that the Council have passed House Bill No. 110, "An Act to regulate the taking up and posting of strays," with amendments. Your concurrence therein is requested.

A. SMITH DEVENNEY,
Secretary of Council.

AMENDMENTS.

Sec. 1. Second line, strike out "October" and insert "November," and wherever "plantation" appears, strike it out and insert "farm."

Also, concurred in amendments of the House of Representatives to Council Bill No. 22, "An Act creating and organizing the county of Wyandott."

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Roberts, of Bourbon, the House resolved itself into Committee of the Whole upon House Bill No. 127, "An Act to amend the charter of the Atchison Branch, of the Valley Bank," Mr. Branscomb in the chair.

After some time spent therein, the Committee arose and reported back the Bill with amendments, recommending its passage.

Mr. Morrow moved that the House non-concur in the amendments of the committee,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Bailey, Canniff, Curtiss, Clark, Danford, Graham of Doniphan, Graham of Nemaha, Hovey, Lewis, Lynde, Morrow, Scott, Spriggs, Silvers, Townsend, Vaile, Walters—18.

The gentlemen voting in the negative were Messrs. Allison, Branscomb, Dickerson, Finch, Holaday, Holmes, Irvin, Lockhart, McDowell, Mitchell, Marsh, Medill, Roberts of Bourbon, Roberts of Leavenworth, Stevenson, Wright, Weider, Woodward—18.

Adjourned.

B. P. AYERS, Clerk.

SATURDAY, JANUARY 29, 1859,
NINE O'CLOCK, A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Morrow presented a petition from John McCannon and one hundred and ninety-seven others, for a special election of county officers in Bourbon county, and for the removal of the county seat from Fort Scott.

Referred to the Committee on Counties and County Lines.

Mr. Lewis from the Judiciary Committee, submitted the following report:

The Judiciary Committee having under consideration Council Bill No. 47, 'An Act to amend an Act, entitled "An Act legalizing the registry of deeds for the city of Topeka,"' report the same back and recommend the passage thereof.

Also, Council Bill No. 81, "An Act regulating conveyances," report the same back with an amendment, by adding the 20th section, and recommend the passage of the same as amended.

W. L. LEWIS, Chairman.

Adopted.

Mr. McDowell, from the Committee on Corporations and Banking, submitted the following report:

The Committee on Banking and Corporations, having had under consideration Council Bill number 20, entitled "An Act to incorporate the Kansas Wesleyan University," beg leave to report that they would recommend the passage of the same as amended in the first section. For amendment see first section.

McDOWELL, Chairman.

Mr. Canniff, from the Joint Committee on Enrolled Bills, submitted the following report:

The Joint Committee on Enrolled Bills have examined House Bill No. 118, entitled "An Act concerning apprentices," and find it correctly enrolled.

H. J. CANNIFF.

Mr. Graham, of Nemaha, from the Committee on Public Roads, submitted the following reports:

The Committee on Public Roads, to whom was referred House Bill No. 121, entitled "An Act to charter a ferry across the Republican Fork," having had the same under consideration, beg leave to report the same, and recommend its passage.

EDWARD LYNDE, Chairman.

The Committee on Public Roads, to whom was referred House Bill No. 128, "An Act to establish a ferry across the Smoky Hill," report the same, and recommend its indefinite postponement.

EDWARD LYNDE, Chairman.

The Committee on Public Roads, to whom was referred House Bill No. 105, "An Act to establish a ferry across the Kansas river, by Nehemiah Sage," have considered the same, and recommend its passage.

EDWARD LYNDE, Chairman.

The Committee on Public Roads, to whom was referred House Bill No. 166, entitled "An Act to locate and establish a Territorial road from Sumner to Kapioma," find that Sumner and Kapioma are both in Atchison county; and the Bill provides for the construction of said road; therefore, we report the same, and recommend that it be indefinitely postponed.

EDWARD LYNDE, Chairman.

All of which were adopted.

Mr. Marsh, from Select Committee on Council Bill No. 97, submitted the following report:

The Committee to whom was referred Council Bill No. 97, "An Act to locate a Territorial Road from Leavenworth city to Topeka," would report the same back to the House and recommend its passage.

O. M. MARSH.

Adopted.

Mr. Speaker Larzalere submitted to the House the following Circular, which was read from the Clerk's desk:

WASHINGTON, D. C., January 17, 1859.

The undersigned, citizens of Kansas, respectfully solicit the favorable attention of members of Congress to a Bill now pending in the House, granting land to that Territory for the construction of railroads.

The Bill is similar in its general provisions to the Acts granting lands to Iowa and Minnesota, except that the amount it proposes to grant is not so large, nor the aggregate length of roads so great. The lines indicated in the Bill follow the great highways of travel, and connect or approach the most important of the western forts. They are as follows: First, A road from the mouth of the Kansas Valley by Fort Riley to the northern boundary of the Territory in the direction of Fort Bridger. Second, A road from Fort Leavenworth to the southern boundary, in the direction of Fort Gibson, with a branch running south of the Kansas River, to the southern boundary, in the direction of Fort Union. Third, A road from Atchison to Fort Riley, and thence connecting with the Fort Union branch of the road from Fort Leavenworth. Fourth, A road from Emporia, in Breckenridge county, down the Osage Valley to the Missouri State line, there connecting with the Jefferson City and Osage Valley Railroad.

The necessity of railroads for the development of the resources of Kansas, is greater than in any State or Territory east of the Rocky Mountains. It is traversed by no navigable waters, and has but a short border on the Missouri River; and, therefore, the central and western districts will not become thickly settled and productive until railroads be built to connect them with the markets of the country. A grant of land to aid in the construction of such railroads will be amply made up to the Government by rendering saleable large districts which would otherwise remain valueless, and by facilitating and cheapening the transfer of Government troops and stores, which now are transported across the plains at an enormous yearly cost.

We especially urge the passage of the Act at this session, because in July next the unsold land in eastern Kansas will be opened for private entry, and will fall chiefly into the hands of non-resident speculators, thus making a future grant of greatly less value to the Territory.

JOHN O. WATTLES,
EDWARD CLARK,
HUGH EWING,
H. B. DENMAN,
THOMAS EWING, JR.,
C. ROBINSON,
W. F. M. ARNY,
A. J. ISACKS,
CYRUS F. CURRIER,
CLIFTON HELLEN,
LUTHER R. SMOOT,
E. MAGRUDER LOWE,
R. C. MACKALL,
SAMUEL B. GARRET,
J. B. CHAPMAN,
ALSON C. DAVIS,
G. W. McLAUGHLIN,
R. S. STEVENS,
A. P. WALKER,
FRED. P. STANTON.

Mr. Roberts, of Leavenworth, offered the following resolution:

Resolved, That the Bill now pending in Congress, granting lands to the people of Kansas and Nebraska for railroad purposes, be referred to a Select Committee of five, one to be taken from the Western part of the Territory, and two South of the Kansas river, and two North of the same.

Adopted.

Messrs. Roberts, of Leavenworth, Graham, of Doniphan, Danford, Holaday and Barry, were appointed as that Select Committee.

Mr. Graham, of Nemaha, from the Committee on Public Roads, submitted the following report:

The Committee on Public Roads, to whom was referred the ferry Bills across the Big Blue river, at Manhattan City, have had the same under consideration, and report the following, House Bill No. 195, and recommend its passage.

On motion of Mr. Roberts, of Bourbon, said House Bill No. 195, "An Act to authorize certain persons to establish and maintain certain ferries at Manhattan," was read a second time and passed.

Ths title was agreed to.

Mr. Lewis, from Judiciary Committee, reported back House Bill No. — "An Act respecting Notaries Public."

Also, House Bill No. 67, "An Act regulating the rate of interest on money," and recommended their passage.

On motion of Mr. Vaile, Council Bill No. 66, "An Act regulating actions against boats," was taken up and read by title.

On motion of Mr. Branscomb, the Committee on ——— was discharged from the further consideration of the Bill.

On motion of Mr. Lewis, House Bill No. 197, "An Act regulating interest," was taken up and read.

The rules were suspended, the Bill was read a second time and referred to a Select Committee consisting of Messrs. Bailey, Barry and Mitchell.

On motion of Mr. Scott, House Bill No. 196, "An Act respecting Notaries Public," was read a second time.

The rules were suspended, the Bill was read a third time and passed.

The title was agreed to.

On motion of Mr. Scott, Council Bill No. 81, "An Act regulating conveyances," was taken up, and read a second time.

The rules were suspended, the Bill was read a third time and passed.

The title was agreed to.

On motion of Mr. Finch, House Bill No. 101, "An Act regulating the taking up and posting of strays," was taken up and read a second time.

The rules were suspended, the Bill was read a third time and passed.

The title was agreed to.

On motion of Mr. Morrow, Council Bill No. 18, "An Act to locate, establish and construct a Territorial road from some point at or near Fort Riley, to some point near the base of the Rocky Mountains, at or near the thirty-ninth parallel of latitude," was taken up and read.

On motion of Mr. Lockhart, the House resolved itself into Committee of the Whole upon the Bill, Mr. Walters in the Chair.

After some time spent therein, the Committee arose, reported back the Bill and recommended its reference to a Select Committee of three.

The House concurred in the recommendation of the Committee of the Whole.

Messrs. Graham of Doniphan, Allison and Branscomb were appointed the Select Committee on Council Bill No. 18.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform your honorable Body that the Council have passed Council Bill No. 70, entitled "An Act to incorporate the De Soto Bridge Company."

Also, Council Bill No. 86, entitled "An Act to incorporate the Wabaunsee Town Company," in which your concurrence is respectfully invited.

Also, that the Council have concurred in House Bill No. 195, without amendment.

A. SMITH DEVENNEY,
Secretary of the Council.

Mr. Mitchell, from the Select Committee to whom was referred Council Bill No. 74, "An Act to prevent the destruction of stock by contagious diseases," reported the same back, with amendments, recommending its passage.

On motion of Mr. Mitchell, the Bill was read a second time.

The rules were suspended, the Bill was read a third time and passed.

The title was agreed to.

Adjourned until Monday, at nine o'clock A. M.

MONDAY, JANUARY 31, 1859,
NINE O'CLOCK A. M.

Prayer by the Chaplain.

The Journal of Saturday's proceedings was read and approved.

Mr. Vaile presented a petition from John Holbrook and ninety others, for a continuation of the Territorial road from Palermo to Farmington, via Ash Point.

Mr. Graham, of Nemaha, presented a petition from A. McDowell and fifty-three others, for a Territorial road from Leavenworth, via Alexandria, to Osawkee.

Mr. Allison presented a petition from G. Stimson and forty others, for a Territorial road from Palermo to Farmington.

Mr. Graham, of Nemaha, presented a petition from Ira H.

Smith and six others, for a Territorial Road from Capioma to Seneca.

Mr. Allison presented a petition from W. H. Gregory and forty-nine others, for a Territorial road from Palermo to Farmington. All of which were

Referred to the Committee on Public Roads.

Mr. Graham, of Nemaha, presented a remonstrance from C. B. Elles and 97 others, against any division of Doniphan county.

Mr. Stevenson presented a remonstrance from J. A. Farral and 223 others, against any division of Doniphan county.

Mr. Danford presented a petition from Henry C. Carpenter and 89 others, for a change in the boundaries of Linn county to the nearest township line south.

Mr. Graham, of Nemaha, presented a remonstrance from S. A. Kingman and one hundred others, against any change of the county lines of Brown county.

Mr. Allison presented a petition from S. T. Bacon and four hundred and twenty-five others, for a change in the county lines of Coffey and Woodson counties. All of which were

Referred to the Committee on Counties and County Lines.

Mr. Medill presented a petition from J. D. Crafton and sixty others, for a bank at Leavenworth.

Referred to Committee on Corporations and Banking.

Mr. Walters introduced House Bill No. 198, "An Act to incorporate the Miami Town Company."

Mr. Holaday introduced House Bill No. 201, "An Act to incorporate the Osawatomie Bridge Company."

Mr. Graham, of Nemaha, introduced House Bill No. 203, "An Act providing for a Charter for the Home Association, in Hometown, Nemaha county."

Mr. Stevenson introduced House Bill No. 205, "An Act to incorporate the town of Highland."

Mr. Spriggs introduced House Bill No. 207, "An Act to incorcorporate the town of Garnet." All of which were

Referred to the Committee on Corporations and Banking.

Mr. Dickerson introduced House Bill No. 204, "An Act to amend 'An Act to charter a Ferry across the Missouri river at Atchison.'"

Referred to a Select Committee, consisting of Messrs. Dickerson, Lewis and Clark.

Mr. Stevenson presented a remonstrance from E. M. Williams and fifty others, against any division of Doniphan county.

Referred to Committee on Counties and County Lines.

Mr. Spriggs introduced House Bill No. 206, "An Act to charter a Ferry across the Marias De Cygnes river at Ottawa Ford."

Mr. Holaday introduced House Bill No. 200, "An Act to incorporate the Osage River Bridge Company."

Mr. Townsend introduced House Bill No. 202, "An Act to establish a Bridge, at some point between the mouth of the Wakarusa river and a point below said mouth." All of which were

Referred to the Committee on Public Roads.

Mr. Roberts, of Leavenworth, introduced House Bill No. 199, "An Act attaching the County of Wyandott to the First Judicial District."

Referred to Committee on Judiciary.

The Speaker laid before the House the following communication, which was read from the Clerk's desk:

HERALD OF FREEDOM OFFICE,
LAWRENCE, Jan. 29, 1859.

Speaker of the House of Representatives:

DEAR SIR—I observe an article in the *Republican* of this morning, apparently designed to reflect upon the Printer for neglect in printing the Bills of a *general* nature pending before the House. Apprehensive that members may be misled by the statement, I take pleasure in saying to the Legislative Assembly, that *every* Bill, both of a public and private nature, which has been forwarded to this office, from either House, has been completed, and that no Bill of a PUBLIC nature was in my hands on the morning of the 28th, when it is represented the business was "seriously delayed by the Bills not being printed."

Very Respectfully Yours,
G. W. BROWN.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
January 31, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bill No. 118, "An Act concerning Apprentices." Respectfully,
S. MEDARY.

Mr. Spriggs, from the Committee on Education, submitted the following reports:

The Committee on Education, to whom was referred Council Bill No. 91, entitled "An Act to incorporate the Tecumseh Female Seminary," having had the same under consideration, report the same back without amendment and recommend its passage.

The Committee on Education, to whom was referred House Bill No. 146, entitled "An Act to locate Morris University at Doniphan," having had the same under consideration, report the same back without amendment, and recommend its passage.

W. SPRIGGS, Chairman.

Mr. Wright, from Committee on Retrenchment, reported House Bill No. 208, "An Act regulating the Fees of Officers."

Ordered to be printed.

Mr. Bailey, from Select Committee on House Bill No. 141, "An Act providing for the formation of a Constitution and State Government," reported the same back with amendments, recommending its passage.

Mr. McDowell, from the Committee on Corporations and Banking, submitted the following reports:

The Committee on Banking and Corporations, having had under consideration House Bill No. 179, entitled "An Act to incorporate the Americus Town Company."

Also, No. 181, entitled "An Act to incorporate the Robinson Town Company," beg leave to report the same to the House without recommendation.

McDOWELL.

The Committee on Banking and Corporations, having had under consideration House Bill No. 175, entitled "An Act to incorporate Junction City," beg leave to report that they would recommend its passage.

McDOWELL.

The Committee on Banking and Corporations, having had under consideration House Bill No. 185, entitled "An Act to charter a bridge across Soldier Creek at Indianola," beg leave to report that they would recommend the passage of the same, as amended in second section. For amendment see section second.

McDOWELL.

The Committee on Banking and Corporations, having had under consideration the petition of Mr. Maynard and thirty others, to construct a dam across the Marais De Cygnes at Choteau's trading post in Linn County, beg leave to report that they would recommend that the prayer of the petitioners be granted by the House.

McDOWELL.

The Committee on Banking and Corporations, having had under consideration Council Bill No. 73, entitled "An Act to incorporate the Topeka Cemetery Association."

Also, No. 71, entitled "An Act to incorporate the Waterloo Town Company."

Also, No. 18, entitled "An Act to incorporate the Washington Lodge, No. 5, of Ancient Free and Accepted Masons."

Also, No. 70, entitled "An Act to incorporate the Wabonsee Town Company," beg leave to report them without recommendation.

JAS. L. McDOWELL, Chairman.

The Committee on Banking and Corporations having had under consideration House Bill No. 290, entitled "An Act to incorporate the Town of Marmiton."

Also, No. 192, "An Act to incorporate the Town of Hickory Point," beg leave to report the same without recommendation.

JAS. L. McDOWELL, Chairman.

All of which were adopted.

Message from the Council :

Mr. Speaker—I am directed to inform the House of Representatives that the Council has passed House Bill No. 113, entitled "An Act to incorporate Baldwin City," without amendment.

The Council has also concurred in amendments by the House to Council Bills Nos. 81 and 74.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Clark, from the Committee on Internal Improvements, submitted the following report:

The Committee on Internal Improvements, to whom was referred House Bill No. 178, entitled "An Act to incorporate the Lawrence and Southern Kansas Turnpike Company," have had the same under consideration, and do report that they would recommend its passage as amended.

AMENDMENTS.

Amend by striking out in the sixth section and tenth line, all after the word "company" to the words "and the books," in the nineteenth line of said sixth section.

Also, by inserting an additional section after section No. fifteen as follows:

Section 16. That this charter shall be and remain in full force for the term of thirty years from and after its passage.

A. M. CLARK, Chairman.

Mr. Wright introduced House Bill No. 209, "An Act to incorporate the Kansas and Missouri Stage Company."

Referred to Committee on Corporations and Banking.

House Bill No. 5, "An Act amending the charter of the city of Elwood," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 68, "An Act incorporating the Monrovia Town Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 79, "An Act to incorporate the Lecompton Bridge Company," was

Read a second time, and

On motion of Mr. Lewis, was recommitted to the Committee on Corporations and Banking.

House Bill No. 82, "An Act to charter a ferry across Solomon's Fork of the Smoky Hill river," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 89, "An Act to incorporate the Town of Merrimac," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 91, "An Act to incorporate the Spring Hill Cemetery," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 94, "An Act to incorporate the Pike's Peak Express Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 98, "An Act to amend the charter of the Leavenworth and Fort Gibson Railroad Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 114, "An Act to incorporate the 142 Creek Bridge Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 115, "An Act to incorporate the Pawnee Bridge Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 122, "An Act to charter a ferry across the Salina Fork at Salina," was

Read a second and third time and passed.

The title was agreed to.

The House resolved itself into Committee of the Whole, on House Bill No. 145, "An Act to establish and lay out five new counties West of the sixth principal meridian," Mr. Mitchell in the chair.

After some time spent therein, the committee arose and reported back the Bill, recommending that it be printed.

The House concurred in the recommendation of the committee.

The House took a recess of fifteen minutes.

When it re-assembled.

House Bill No. 176, "An Act for the relief of the Kansas river Bridge Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 162, "An Act to incorporate the Farmington Town Company," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 66, "An Act regulating actions against boats," was

Read a second and third time and passed.

The title was agreed to.

On motion of Mr. Mitchell, House Bill No. 150, "An Act to district the Territory of Kansas for the election of members of the Legislature," was made the special order for to-morrow at 10 o'clock, A. M.

Mr. Clark offered the following resolution:

Resolved, By the House of Representatives, the Council concurring, that House Bill No. 150, on apportionment, be referred to a Select Committee of both Houses.

Adopted.

Messrs. Clark, Stevenson, Walters, Bailey and Spriggs, were appointed that Committee on the part of the House.

House Bill No. 100, "An Act to charter a ferry across the Arkansas river," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 175, "An Act to incorporate Junction City," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 190, "An Act to incorporate the Marmaton Town Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 181, "An Act to incorporate the Robinson Town Company," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 20, "An Act to incorporate the Wesleyan University," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 85, "An Act to locate the County Seat of Allen county," was

Read a second and third time and passed.

The title was agreed to.

Mr. Benton appeared, and took the oath of office as Assistant Engrossing Clerk.

Messrs. W. H. Prentice, A. M. Stanbury, C. G. Akin, L. S. Shaw and D. Newcomb, and Miss L. D. Hall appeared, and were sworn in as Assistant Enrolling Clerks.

Mr. Graham, of Nemaha, offered the following resolution:

Resolved, That the Docket Clerk furnish to this House a catalogue of Bills referred to Select Committees, not reported upon to this House.

Adopted.

Council Bill No. 60, "An Act to establish a ferry across the Missouri River at White Cloud," was

Read a second and third time and passed.

The title was agreed to.

Mr. Wright offered the following resolution:

Resolved, That the President of the United States be requested not to renominate Judge Lecompte as Chief Justice of this Territory—that his previous conduct is obnoxious to a large majority of the people of this Territory, and one of the most effectual means the President of the United States could use to restore quiet to Kansas, will be to select a competent Chief Justice of our Supreme Court.

Referred to Committee on Vice and Immorality.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Townsend presented a petition from Robert Peet for a change of name.

Referred to a Select Committee consisting of Messrs. Townsend, Dickerson and Holmes.

Also, House Bill No. 200, "An Act to change the name of Robert Peet to Robert B. Wilson."

Mr. Stevenson introduced House Bill No. 211, "An Act to incorporate the Iowa Point Hotel Company."

Referred to Committee on Corporations and Banking.

Mr. Townsend introduced House Bill No. 212, "An Act to establish a Ferry across Grasshopper creek, at or near the mouth of the same."

Referred to Committee on Public Roads.

Mr. Lockhart introduced House Bill No. 213, "An Act declaring certain county offices vacant and providing for an election."

Referred to Committee on Elections.

Mr. Roberts, of Bourbon, introduced House Bill No. 214, "An Act to locate the county seat of Bourbon County."

Referred to Committee on Counties and County lines.

Mr. Canniff, from Committee on Counties and County lines, submitted the following report:

The Committee on Counties and County lines, with one exception, have instructed me to report Council Bill No. 21, entitled "An Act defining the boundary line between the Counties of Madison and Breckenridge, in Kansas Territory," to the House without amendment and recommend its passage.

H. J. CANNIFF, Chairman.

On motion of Mr. Dickerson, House Bill No. 160, "An Act to authorize J. B. Bates to build a bridge across Independence Creek," was taken up.

Read a second and third time and passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform the House of Representatives that the Council has passed House Bill No. 136, with amendments, and asks your concurrence therein.

Also, passed Council Bill No. 125, and request your concurrence.

AMENDMENTS.

Section nine, strike out "Frank M. Cobb" and insert "A. G. Patrick."

Add a Section to the Bill: Section ten, That D. Newcomb, William J. King and George Magee, be and are hereby constituted a Board of Commissioners to select and locate a temporary seat of justice for the County of Oro, whose duty it shall be in making the said location, to fix the same as near the geographical centre of said county, as they conveniently can, having due regard for the present and probable future population of said county.

Strike out Section fourteen.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Roberts, of Bourbon, the House concurred in the amendments.

Mr. Vaile, from Select Committee on House Bill No. 187, "An Act to establish two toll bridges across the Big Blue river," reported the same back and recommended its passage.

On motion of Mr. Vaile, the Bill was taken up.

Mr. Barry moved to amend by striking out "six miles" and inserting "one mile," in the Bill where it occurs.

Mr. Graham, of Nemaha, moved to indefinitely postpone the Bill. Lost.

On motion of Mr. Morrow, the Bill was referred to a Select Committee, consisting of Messrs. Morrow, Curtiss and Graham of Nemaha.

On motion of Mr. Bailey, Council Bill No. 21, "An Act defining the boundary line between Madison and Breckenridge Counties," was taken up.

Mr. Clark moved that the Bill be indefinitely postponed,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Clark, Finch, Graham of Doniphan, Holaday, Holmes, Irvin, Lockhart, Marsh, Stevenson, Spriggs—11.

The gentlemen voting in the negative were Messrs. Allison, Bailey, Canniff, Curtiss, Danford, Dickerson, Graham of Nemaha, Hovey, Lewis, McDowell, Mitchell, Morrow, Medill, Roberts of Leavenworth, Roberts of Bourbon, Scott, Townsend, Vaile, Wright, Weider, Walters—21.

Lost.

Mr. Danford moved to lay the Bill on the table,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Canniff, Clark, Danford, Finch, Graham of Doniphan, Hovey, Holaday, Holmes, Irvin, Lewis, Lockhart, Mitchell, Marsh, Medill, Roberts of Bourbon, Scott, Stevenson, Weider, Walters—21.

The gentlemen voting in the negative were Messrs. Bailey, Curtiss, Dickerson, Graham of Nemaha, McDowell, Morrow, Roberts of Leavenworth, Spriggs, Townsend, Vaile, Wright—11.

Carried.

Mr. Morrow offered the following resolution:

Resolved, That that the use of this Hall be given to the citizens of the county this evening, for the purpose of holding a public meeting.

Adopted.

On motion of Mr. McDowell, House Bill No. 55, "An Act to incorporate the Bank of Leavenworth," was taken up.

Mr. Morrow moved to refer it to the Committee on Vice and Immorality.

Mr. Roberts, of Bourbon, moved an amendment, to refer it to a Select Committee of three. Carried.

Messrs. Barry, Clark and Curtiss were appointed as that Committee.

Mr. Stevenson offered the following resolution:

Resolved, That the use of this Hall be tendered to J. H. Lane for the purpose of delivering a lecture to the working men of Lawrence and vicinity, on Wednesday evening, February 2d, 1859.

Lost.

Mr. McDowell introduced House Bill No. 215, "An Act to incorporate the Leavenworth Literary Association."

Referred to Committee on Corporations and Banking.

On motion of Mr. Danford the House resolved itself into Committee of the Whole, upon House Bill No. 141, "An Act providing for the formation of a Constitution and State Government for the State of Kansas, Mr. Barry in the Chair.

After some time spent therein, the Committee arose, reported back the Bill and recommended its passage.

Mr. Roberts, of Leavenworth, moved that House Bill No. 141 be laid aside, and that Council Bill No. 80, on the same subject, be taken up. Carried.

Mr. Roberts, of Leavenworth, moved that the House agree to the Council Bill, with the following amendment:

AMENDMENT.

Strike out all after the words "to wit," in the 4th Section and second line, and insert the following:

"The county of Wyandott shall constitute the first District, and shall elect three delegates; the county of Leavenworth shall constitute the second District, and shall elect seven delegates; the county of Atchison shall constitute the third District, and shall elect three delegates; the county of Doniphan shall constitute the fourth District, and shall elect four delegates: the county of Brown shall constitute the fifth District, and shall elect one delegate; the county of Nehama shall constitute the sixth District, and shall elect one delegate; the counties of Marshall, Washington and Arrappahoe shall compose the seventh District, and shall elect one delegate; the county of Jefferson shall constitute the eighth District, and shall elect two delegates; the county of Calhoun shall constitute the ninth District, and shall elect one delegate; the county of Riley shall constitute the tenth District, and shall elect one delegate; the county of Pottowattomie shall constitute the eleventh District, and shall elect one delegate; the county of Johnson shall constitute the twelfth District, and shall elect two delegates; the county of Douglas shall constitute the thirteenth District, and shall elect six delegates; the counties of Shawnee and Weller shall compose the fourteenth District, and shall elect three delegates; the counties of Richardson, Davis, Dickinson and Clay shall compose the fifteenth District, and shall elect one delegate; the county of Lykins, shall constitute the sixteenth District, and shall elect two delegates; the county of Franklin shall constitute the seventeenth District, and elect one delegate; the counties of Breckenridge and Madison shall compose the eighteenth District, and shall elect two delegates; the counties of Wise and Butler shall compose the nineteenth District, and shall elect one delegate; the county of Linn shall constitute the twentieth District, and shall elect two delegates; the county of Anderson shall constitute the twenty-first District, and shall elect one delegate; the counties of Coffey and Woodson shall compose the twenty-second district, and shall elect two delegates; the counties of Hunter, Greenwood, Godfrey and Wilson, shall compose the twenty-third District, and shall elect one delegate; the counties of Bourbon, McGee and Dorn shall compose the twenty-fourth District, and shall elect two delegates; the county of Allen shall constitute the twenty-fifth District, and shall elect one delegate."

Also, fill the blank in Section 5, line 1st, by inserting "Atchison."

Carried, and the Bill, as amended, was passed.

Mr. Roberts, of Bourbon, moved that House Bill No. 127, "An Act to amend the charter of the Branch Bank of Atchison," be referred to the Select Committee on the Bank of Leavenworth. Carried.

Mr. Allison presented the petition of H. Wilson and 47 others, for a Territorial road from Columbus city to Mairesville.

Referred to the Committee on Roads.

Mr. Finch introduced House Bill No. 217, "An Act to incorporate the village of Oskaloosa."

Referred to Committee on Corporations and Banking.

Mr. Woodward offered the following resolution:

Resolved, That the Chairmen of all the Standing Committees be required to report all Bills in their hands, by Wednesday evening next.

Adjourned.

B. P. AYERS, Clerk.

TUESDAY, February 1, 1859,
Nine o'clock A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read, amended and approved.

Mr. Danford offered the following resolution:

Resolved, That the Sergeant-at Arms be instructed to procure a convenient and suitable hall for the use of this House, where the health of members will not be impaired by dampness and exposure.

Adopted.

Mr. F. M. Kobb appeared and was sworn in as Assistant Enrolling Clerk.

On motion of Mr. Roberts, of Leavenworth, House Bill No. 73, "An Act to amend an Act to charter a ferry at Wyandott," was referred to a Select Committee consisting of Messrs. Roberts of Leavenworth, Hovey and Walters.

Mr. Roberts, of Bourbon, presented a petition from W. H. Griffith and 256 others, for the removal of the county seat of Bourbon county from Fort Scott to Marmaton.

Referred to Committee on Counties and County Lines.

Mr. Graham, of Nemaha, presented a remonstrance from 26 citizens of Brown county against any change in the county lines of Brown county.

Also, a remonstrance to the same effect, from ——— and 30 others.

All of which were referred to the Committee on Counties and County Lines.

Mr. Vaile presented a petition from H. H. Williams and forty-six others, for a law to authorize him and others to build a mill-dam on the Big Blue River, in Marshall county.

Referred to the Committee on Corporations and Banking.

Mr. Wright presented a petition from Wm. Holdsen and forty-one others, for a Territorial road from Quindaro to Olathe.

Referred to Committee on Public Roads.

Mr. Canniff, from Committee on Counties and County Lines, submitted the following report:

The Committee on Counties and County Lines, having had the following Bills under consideration, report them to the House and recommend their passage:

Council Bill No. 84, entitled "An Act defining the boundary of Doniphan county, and for other purposes."

House Bill No. 214, entitled "An Act to locate the County Seat of Bourbon county."

H. J. CANNIFF.

Mr. McDowell, from the Committee on Corporations and Banking, submitted the following reports:

The Committee on Banking and Corporations, having had under consideration House Bills Nos. 198, entitled "An Act to incorporate the Miami Town Company."

No. 217, entitled "An Act to incorporate the village of Oskaloosa."

No. 205, entitled "An Act to incorporate the town of Highland."

No. 107, entitled "An Act to incorporate the Garnett Town Company."

And Bill No. 216, entitled "An Act to incorporate the town of Hickory Point."

Beg leave to report the same without recommendation.

Your Committee would again respectfully call the attention of the House to the "General Act for the incorporation of towns and villages," passed the present session and now a law, and beg leave to suggest the propriety of many corporations, such as above specified, organizing under it, instead of by special enactment of the Legislature.

All of which is respectfully submitted.

JAMES L. McDOWELL, Chairman.

The Committee on Banking and Corporations, having had under consideration House Bill No. 203, entitled "An Act providing a charter for the Home Association, in Home Town, Nemaha county, K.,T.," beg leave to report that they would recommend the passage of the same, as amended.

AMENDMENTS.

Strike out Section 9 and insert the following:

"The Executive Committee are hereby authorized to sell, at public sale, any and all individual shares on the failure, neglect or refusal of any stockholder to pay any assessment thereon, and out of the proceeds shall pay, first the cost and expenses of sale, next the amount of assessment due thereon, and the remainder, if any, to the stockholder."

Sec. 12. Amend by inserting the following words: "but not to hold more than twenty thousand dollars worth of real estate outside of township limits."

JAMES L. McDOWELL, Chairman.

The Committee on Banking and Corporations, having had under consideration House Bill No. 201, entitled "An Act to incorporate the Osawatomie Bridge Company," beg leave to report that they would recommend the passage of the same by the House, as amended.

AMENDMENT.

Sec. 4. Strike out all of Section after the word "company," in the third line, and insert the words "the Board, transacting county business in said county, shall, from time to time, prescribe the rates of toll to be charged on said bridge."

JAMES L. McDOWELL, Chairman.

The Committee on Banking and Corporations, having had under consideration House Bills Nos. 209, entitled "An Act to incorporate the Kansas and Missouri Stage Company," and

No. 215, entitled "An Act to incorporate the Leavenworth Literary Association," beg leave to report that they would recommend the passage of the same by the House.

JAMES L. McDOWELL, Chairman.

All of which were adopted.

Mr. Mitchell, from the Select Committee on House Bills Nos. 87, 102 and 137, submitted the following report:

The Select Committee, to whom was referred House Bills Nos. 87, 102 and 137, ask leave to report House Bill No. 87 back, with sundry amendments, and recommend its passage:

AMENDMENTS.

Section 1. In second and third lines, strike out "three hundred" and insert "one thousand."

Sec. 2. Strike out of the fifth line "three hundred" and insert "one thousand."

Sec. 4. Strike out all after the word "widow" in the first line, to the word "shall" in the second line. Strike out all after the word "persons" in the 2d line in said Section 4.

Sec. 6. Strike out the word "ten" in the tenth line, and insert "thereby."

Sec. 8. Strike out in the first line the words "hereafter executed."

R. B. MITCHELL,
Chairman Select Committee.

On motion of Mr. Lewis, the report was laid on the table, and made the special order for two o'clock P. M. to-day.

Mr. Townsend, from Select Committee on House Bill No. 210, submitted the following report:

The Special Committee, to whom was referred the petition of Robert Peet for a change of his name, and House Bill No. 210, "An Act to change the name of Robert Peet to Robert B. Wilson," would report favorably thereupon, and recommend the passage of the Bill.

P. H. TOWNSEND,
L. DICKERSON,
GEO. B. HOLMES.

Adopted.

Mr. Dickerson, from Select Committee on House Bill No. 204, submitted the following report:

We, your Special Committee to whom was referred House Bill No. 204, have had the same under consideration, and beg leave to report the same back and recommend its passage without amendments.

Adopted.

Mr. Graham, of Nemaha, from Select Committee on House Bill No. 187, submitted the following report:

The Select Committee on House Bill No. 187, entitled "An

Act to establish a toll bridge across Big Blue river," report that they have had the same under consideration, and report the same to the House, as amended, and recommend its passage.

GRAHAM, of Nemaha.

Adopted.

Mr. Allison, from Committee on Elections, submitted the following report:

The Committee on Elections having had under consideration House Bill No. 213, entitled "An Act declaring certain county offices vacant, and providing for an election," beg leave to report the same back without amendment, and recommend its passage.

Adopted.

Mr. Lynde, from the Committee on Public Roads, submitted the following report:

The Committee on Public Roads, to whom was referred House Bill No. 138, having had the same under consideration beg leave to report the same and recommend its passage.

EDWARD LYNDE.

Adopted.

Mr. Bailey, from Select Committee on House Bill No. 70, submitted the following report:

The Select Committee, to whom was referred House Bill No. 70, in relation to permanent location of county seats of Anderson and Franklin counties, beg leave to submit the following Bill as a substitute, and recommend its adoption.

Mr. Marsh, from Conference Committee on House Bill No. 30, and Council Bill No. 54, submitted the following report:

The Committee of Conference, to whom was referred House Bill No. 30 and Council Bill No. 54, would report Council Bill No. 54 back to the House, and recommend its passage, with the following amendment:

After the word repealed, in section fourteen, insert: *Provided*, that the provisions of this Act shall have no application to the counties of ——

O. M. MARSH.

Mr. McDowell introduced House No. 219, "An Act to charter a ferry across the Kansas river."

Referred to the Committee on Public Roads.

Mr. Walters introduced House Bill No. 220, "An Act to incorporate the Osawatomie Bridge Company. '

Referred to the Committee on Corporations and Banking.

Mr. Lynde introduced House Bill No. 221, "An Act authorizing A. M. Blacklidge and others to build a bridge."

Also, House Bill No. 222, "An Act to establish a ferry at or near the mouth of Grasshopper river."

Both of which were referred to Committee on Public Roads.

Mr. Barry introduced the following resolutions:

Resolved, By the Board of County Supervisors of Pottowottomie county, Kansas Territory, That we unanimously approve of the Bill accompanying this resolution, providing for a tax to be raised in said county of Pottowottomie, to defray the expenses of the same, for the year ending the fourth Monday of March, A. D. 1859, and recommend to the Legislature the immediate passage of the same.

Resolved, further, That the Clerk of this Board forward to our Representatives in the Legislature, Points and Barry, the Bill referred to above, together with a copy of this resolution.

A. CORNELL,
Chairman of the Board of Supervisors of Pottowottomie Co.
A. G. ROWELL,
Clerk of the Board of Supervisors of Pottowottomie Co., K. T.

Also, House Bill No. 223, "An Act authorizing the assessment and collection of a tax in the county of Pottowottomie."

Referred to Committee on Judiciary.

Mr. Stevenson introduced House Bill No. 224, "An Act to incorporate the Steam Ferry Boat Company of Iowa Point."

Referred to Committee on Public Roads.

Also, House Bill No. 225, "An Act to charter a ferry across the Arkansas river, at the old crossing of the Santa Fe road."

Referred to the Committee on Public Roads.

Mr. Bailey introduced House Bill No. 226, "An Act to incorporate the St. John Town Company."

Referred to Committee on Corporations and Banking.

Mr. Mitchell offered the following resolution:

Resolved, That the Engrossing and Enrolling Clerks of this House be instructed to engross and enroll all Bills of a general nature, to the exclusion of special Bills.

Adopted.

Mr. Scott introduced House Bill No. 227, "An Act exempting improvements from taxation in certain cases."

On motion of Mr. Scott, the Bill was referred to the Committee of the Whole, Mr. Curtiss in the chair.

After some time spent therein, the committee arose, reported back the Bill and recommended it to be printed. The House concurred.

Mr. Morrow introduced House Bill No. 228, "An Act supplemental to an Act entitled "An Act requiring the Judges of the Second Judicial District to hold a special term of court, and for other purposes."

On motion of Mr. Roberts, of Bourbon, the rules were suspended, and the Bill was

Read a second and third time and passed.

The title was agreed to.

On motion of Mr. Clark, House Bill No. —— "An Act to authorize boards of county supervisors to issue county bonds and for other purposes," was read a second time.

Mr. Mitchell moved that the Bill be indefinitely postponed.

Upon which the yeas and nays being demanded.

The gentlemen voting in the affirmative were Messrs. Barry, Bailey, Canniff, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Irvin, Lewis, Lynde, Mitchell, Roberts of Leavenworth, Spriggs, Silvers, Townsend, Vaile, Wright, Walters—18.

The gentlemen voting in the negative were Messrs. Allison, Curtiss, Clark, Finch, Lockhart, McDowell, Marsh, Morrow, Medill, Roberts of Bourbon, Scott, Stevenson, Woodward—13.

Carried.

Mr. Walters introduced House Bill No. 236, "An Act to incorporate the town of Miami."

Referred to Committee on Corporations and Banking.

Mr. Branscomb, from Committee on Ways and Means, reported back Council Bill No. 98, "An Act changing the name of the town and township of Brownville, to that of Auburn," and recommend its passage.

Mr. Scott introduced House Bill No. 230, "An Act to incorporate the Bullion Bank of Leavenworth."

Referred to Committee on Corporations and Banking.

Mr. Holmes introduced House Bill No. 231, "An Act amending an Act entitled 'An Act to define the several judicial districts of Kansas Territory.'"

Referred to Committee on Judiciary.

Also, House Bill No. 232, "An Act providing for a special election for certain county officers."

Referred to Committee on Elections.

Mr. Canniff introduced House Bill No. 233, "An Act to enable the Board of Managers of the Prairie City Association, to collect its assessment.

Referred to Committee on Corporations and Banking.

On motion of Mr. Wright, House Bill No. 214, "An Act to locate the county seat of Bourbon county," was

Read a second and third time and passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am instructed to inform your Honorable Body, that the Council has passed Council Bills Nos. 100, 111 and 93, and respectfully request your concurrence therein.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Canniff offered a substitute for House Bill No. 120, "An Act to change the name of Prairie City." Adopted.

House Bill No. 105, "An Act to entitle N. Loge to establish a ferry across the Kansas river," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 120, (substitute) "An Act to change the name of Prairie City," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 121, "An Act to charter a ferry across the Republican Fork," was amended in the first section, by striking out "two" and inserting "one."

The Bill was then read a second and third time and passed.

The title was agreed to.

House Bill No. 146, "An Act to incorporate the Morris University at Doniphan," was taken up, and

Referred to select Committee, consisting of Messrs. Barry, Scott and Woodward.

House Bill No. 164, "An Act to incorporate the Council Grove Town Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 179, "An Act to incorporate the Americus Town Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 180, "An Act to incorporate the Americus Cemetery Association," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 185, "An Act to charter a bridge across Soldier Creek, at Indianola," was

Read a second and third time and passed.

The title was agreed to.

Mr. Curtiss offered the following resolution:

Resolved, That a committee of two be appointed to look after the Bills that have passed this House.

Adopted.

Messrs. Curtiss and Scott were appointed on that Committee.

House Bill No. 192, "An Act to incorporate the town of Hickory Point," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 17, "An Act to charter a ferry across the Kansas river," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 186, was made the special order for two o'clock P. M. to-day.

Council Bill No. 24, "An Act to grant Zach Curtiss the privilege to establish a ferry across the Big Blue river," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 61, "An Act to amend an Act entitled 'An Act to incorporate the city of White Cloud,'" was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 7, "An Act to incorporate the Topeka Cemetery Association," was taken up.

Mr. Scott moved to amend in section ——, line ——, by inserting "by allowing forty acres of land." Carried.

The Bill was then read a second and third time and passed.

The title was agreed to.

Council Bill No. 78, "An Act to organize the Counties of Wise, Butler and Chase," was considered.

On motion of Mr. Bailey, it was laid on the table.

Council Bill No. 91, "An Act to incorporate the Tecumseh Female Seminary,"

On motion, was referred to a Select Committee of three, consisting of Messrs. Woodward, Scott and Medill.

Mr. Wright introduced House Bill No. 234, "An Act to incorporate the Grand Lodge of Independent Order of Odd Fellows and subordinate Lodges."

Referred to Committee on Federal Relations.

Adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

On motion of Mr. Wright, House Bill No. 87, "An Act to exempt Real Estate and Personal Property from Execution and Sale, was ordered to be printed."

On motion of Mr. Scott, House Bill No. 17, "An Act providing for the incorporation of Turnpike Companies," was taken up and read.

Laid on the table.

Message from the Council :

MR. SPEAKER—I am instructed to inform your Honorable Body that the Council refuses to concur in the amendments made by the House to Council Bill No. 56, "An Act concerning the Lawrence Bridge Company," and most respectfully insists upon the original Bill.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body, that the Council have concurred in House Bill No. 228.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council has passed Council Bills Nos. 114 and 115, in which your concurrence is respectfully solicited.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Mitchell, the House resolved itself into Committee of the Whole, upon the special order for three o'clock, House Bill No. 186, "An Act to establish the Kansas Turnpike Company," Mr. Woodward in the Chair.

After some time spent therein, the Committee arose, reported progress and asked leave to sit again.

Leave was granted.

On motion of Mr. Morrow, Council Bill No. 56, "An Act to charter the Lawrence Bridge Company," was taken up and the House receded from its amendments.

On motion of Mr. Balley, Council Bill No. 21, "An Act to define the boundaries of Madison and Breckenridge Counties," was

Read a second time.

Mr. Lewis offered the following amendment to the closing Section:

This Act shall not take effect or become a law until the legal voters shall so decide by a majority of all the votes polled at the next general election held in the Counties of Breckenridge and Madison, for the purpose of electing county officers.

Lost.

The question being, "Shall the Bill pass?"

The gentlemen voting in the affirmative were Messrs. Allison, Branscomb, Bailey, Canniff, Curtiss, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Lynde, Lockhart, McDowell, Marsh, Morrow, Medill, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Townsend, Vaile, Wright, Woodward, Walters—24.

The gentlemen voting in the negative were Messrs. Barry, Finch, Holaday, Holmes, Irvin, Lewis, Spriggs, Silvers and Weider—9.

So the Bill passed.

The title was agreed to.

Mr. Branscomb introduced House Bill 235, "An Act making appropriations for the debts of the Territory of Kansas, for the year 1858."

Referred to Committee on Ways and Means.

Mr. Canniff, from Committee on Enrollment, submitted the following report:

The Joint Committee on Enrollment have examined House Bill No. 228, entitled "An Act supplemental to an Act entitled 'An Act requiring the Judge of the Second Judicial District to hold a special term of court, and for other purposes,'" and find it correctly enrolled.

H. J. CANNIFF, Chairman.

Adopted.

Mr. Barry introduced a substitute for House Bill No. 197, "An Act regulating interest on money."

Mr. Allison offered the following resolution:

Resolved, By the House of Representatives, that the Journal Clerk be authorized to employ an assistant.

Adopted.

Mr. Lynde, from Committee on Public Roads, submitted the following report:

The Committee on Public Roads having had House Bill No. 202, entitled "An Act to establish a bridge across the Kansas river at some point between the mouth of the Wakarusa river and a point two miles below said mouth," beg leave to report the same back without recommendation.

Also, House Bill No. 200, "An Act to incorporate the Osage River Bridge Company," and recommend its passage.

The Committee on Public Roads, having had House Bill No.

206, under consideration, entitled "An Act to charter a ferry across the Marias de Cygnes, at the Ottawa ford," beg leave to report the same back with amendments, and recommend its passage. In the first Section strike out the word "three" and insert "one," and strike out "twenty" and insert "five." In the second Section strike out all after the word "ferry," in the third line.

Also, House Bill No. 126, and recommend its passage with amendments. In the first Section, strike out in the fifth line the word "three" and insert the word "one." Strike out, in the fifth Section, in the second line, "one year" and insert "two months."

Also, House Bill No. 104, entitled "An Act for a ferry across the Big Blue, opposite Merrimac," and report the same adversely, all of which is respectfully submitted.

EDWARD LYNDE, Chairman.

Mr. Lynde introduced House Bill No. 337, "An Act to authorize the construction of a bridge across the Wakarusa river."

Referred to Committee on Public Roads.

Mr. McDowell, from the Committee on Corporations and Banking, submitted the following report:

The Committee on Banking and Corporations, having had under consideration House Bill No. 96, entitled "An Act to amend the charter of the city of Leavenworth, and to incorporate and establish the Board of Trustees of Common Schools of said city," beg leave to report that they would recommend the same be indefinitely postponed.

McDOWELL, Chairman.

Mr. McDowell, from Special Committee on Council Bill No. 88, submitted the following report:

The Special Committee, to whom was referred Council Bill No. 88, entitled "Act An to merge the town government of the town of Leavenworth, in the city government of the city of Leavenworth, and also to amend the Act incorporating said city," beg leave to report House Bill No. —, accompanying this report, as a substitute, and recommend its passage by the House.

Mr. Silvers introduced House Bill No. 238, "An Act to locate the county seat of Calhoun County."

Referred to Committee on Counties and County Lines.

Mr. Vaile introduced House Bill No. 239, "Act An to establish a ferry across the Big Blue river."

Referred to Committee on Public Roads.

Mr. Marsh introduced House Bill No. 240, "Act An to authorize the Board of Supervisors of Leavenworth county to issue county bonds."

Referred to a Select Committee, consisting of Messrs. Marsh, Vaile and Townsend.

Mr. Stevenson introduced House Bill No. 241, "An Act authorizing A. R. Morton and others to build a bridge across the Pawnee Fork of the Arkansas river.

Referred to Committee on Public Roads.

Mr. Lewis, from Judiciary Committee, submitted the following report:

The Judiciary Committee having examined "An Act to establish a Code of Criminal Procedure," report the same to the House and recommend the passage thereof.

Also, "An Act attaching the county of Wyandott to the First Judicial District," and recommend the passage thereof.

W. L. LEWIS, Chairman.

Mr. Roberts, of Leavenworth, moved that when the House adjourn, it adjourn to meet to-morrow at 10 o'clock. Carried.

Mr. Lewis, of the Judiciary Committee, submitted the following report from the Codifying Commissioners:

OFFICE CODIFYING COMMISSIONERS,
January 29, 1859.

To the Legislative Assembly :

We herewith transmit for your action, "An Act to establish a Code of Criminal Procedure," and recommend its passage.

Very respectfully,

WILLIAM McKAY,
E. S. LOWMAN,
J. McCAHON.

Mr. Bailey, from Select Committee on Council Bill No. 96, submitted the following report:

The Select Committee, to whom was referred Council Bill No. 96, entitled "An Act relating to Counties and County Officers," having attended to the duty assigned them, and carefully examined the several provisions of said Bill, report the same back to the House, and recommend its adoption with the following amendments, to-wit:

In the sixteenth Section, strike out the words "or more"—in clause 8.

Strike out the whole of clause 10, viz: "to alter or change the route of any Territorial road within their respective counties."

L. D. BAILEY, Chairman.

On motion of Mr. Lewis, the rules were suspended and House Bill No. 242, "An Act to establish a code of criminal procedure," was

Read a second and third time and passed.

The title was agreed to.

Adjourned.

B. P. AYERS, Clerk.

WEDNESDAY, FEBRUARY 2, 1859,
NINE O'CLOCK, A. M.

Prayer by the Chaplain.

The reading of yesterday's Journal was dispensed with.

Messages from the Council:

MR. SPEAKER—I am instructed by the Council to inform the House of Representatives that the Council has passed House Bills Nos. 193, 196, 194, 171, 182, 2, 84 and 20, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council has passed House Bill No. 15, "An Act regulating elections," with amendments.

Your concurrence, in said amendments, is most respectfully solicited by the Council.

AMENDMENTS.

Strike out Section 57.

In Section 58, after the word "persons" strike out "elected" and insert "voted for." At the end of the same Section, after the word "election," insert "with the number of votes received by each."

Strike out Sections 60, 61, 62, 63, 64, 65 and 66.

In Section 70, after the word "officers" insert "and the members of the Council and House of Representatives."

In Section 71, after the word "officers," insert "and members of the Council and House of Representatives."

In Section 75, after the word "officers," insert "and members of the Council and House of Representatives."

Strike out Section 81.

Strike out Section 93.

In Section 96, strike out "Chapter" and insert "Act."

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Mitchell, the House resolved itself into Committee of the Whole, upon the special order of the day, House Bill No. 186, "An Act to establish the Kansas Turnpike Company," Mr. Lynde in the chair.

After some time spent therein, the Committee arose and reported back the Bill, recommending its indefinite postponement.

The question being upon concurring in the recommendation of the Committee of the Whole,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Curtiss, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Holmes, Lewis, Lynde, Lockhart, Morrow, Roberts of Leavenworth, Scott, Silvers, Townsend, Wright, Woodward, Walters—21.

The gentlemen voting in the negative were Messrs. Bailey, Canniff, McDowell, Mitchell, Marsh, Medill, Roberts of Bourbon, Stevenson, Spriggs, Vaile—11.

Carried.

On motion of Mr. Danford, the amendments of the Council to House Bill No, 15, "An Act regulating Elections," were taken up, and the House resolved itself into Committee of the Whole upon the Bill, Mr. Townsend in the Chair.

After some time spent therein, the Committee arose and reported back the Bill, recommending that the House concur in the amendments of the Council.

The House concurred.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform the House of Representatives that the Council has passed Council Bills Nos. 30, 92, 102, 107, 105, 106, 108 and 109. Your concurrence therein is respectfully asked.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Scott, Council Bill No. 96, "An Act relating to Counties and County Officers," was taken up.

Mr. Clark moved that the amendments recommended by Select Committee on the Bill be concurred in. Lost.

The rules were suspended, the Bill was read a second and third time and passed.

The title was agreed to.

Mr. Marsh, from Select Committee on House Bill No. 240, submitted the following report:

The Committee to whom was referred House Bill No. 240, entitled "An Act to anthorize the Board of Supervisors of Leavenworth county to issue county bonds, and for other purposes," have had the same under consideration, and report the same back to the House and recommend its passage.

O. M. MARSH, Chairman.

House Bill No. 240, "An Act to authorize the Board of Supervisors of Leavenworth county to issue county bonds, and for other purposes," was

Read a second time.

Mr. Curtiss moved to amend the Bill in Sec. 1. by inserting Douglas county. Carried.

Mr. Roberts, of Leavenworth, moved to amend in the same section by inserting the name of Wyandott county. Carried.

Mr. Lockhart moved to amend in the same section by inserting the name of Johnson county. Carried.

Mr. Walters moved to amend in the same section by inserting the name of Lykins county. Carried.

Mr. Roberts, of Leavenworth, offered the following

AMENDMENT:

That the provisions of the 6th and 8th Sections of this Act shall be general, and apply to all the counties of this Territory.

Carried.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was so amended as to read—"An Act to authorize Leavenworth, Douglas, Wyandott and Lykins counties to issue bonds," and agreed to.

Mr. Canniff, from Committee on Enrolled Bills, submitted the following report:

The Joint Committee on Enrolled Bills, have examined the following Bills and find them correctly enrolled:

House Bill No. 142, "An Act regulating crimes and punishment of crimes against the persons of individuals."

House Bill No. 136, entitled "An Act establishing and organizing the counties of Montana, El Paso, Oro, Broderick and Fremont, and to define the boundaries thereof."

House Bill No. 110, entitled "An Act to regulate the taking up and posting of estrays."

House Bill No. 195, entitled "An Act to authorize certain persons to establish and maintain certain ferries at Manhattan City."

H. J. CANNIFF, Chairman.

The House resolved itself into Committee of the Whole upon House Bill No. 22, "An Act to restrain dram shops and taverns, and to regulate the sale of intoxicating liquors," Mr. Graham, of Nemaha, in the chair.

After some time spent therein, the Committee arose, and reported back the Bill, with amendments, recommending its passage.

The question being on concurring in the recommendations of the Committee, the House refused to concur.

AFTERNOON SESSION.

TWO O'CLOCK, P. M.

Message from the Council:

MR. SPEAKER—I am instructed by the Council, to inform the House of Representatives, of the passage by the Council of Council Bill No. 128, in which your concurrence is respectfully solicited.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Danford, the Joint Committee on Apportionment was discharged from the further consideration of House Bill No. 150, "An Act for the Apportionment of the Territory," and instructed forthwith to report the same back to the House.

M. L. Richardson was sworn in as Assistant Journal Clerk.

Mr. Lewis, from Committee on Judiciary, submitted the following report:

The Judiciary Committee having examined "An Act regulating oaths and prescribing the form of oaths of office," report the same to the House and recommend the passage thereof.

Also, House Bill No. 123, "An Act to amend 'An Act to incorporate the city of Osage,'" report the same back to the House and recommend the passage thereof.

Also, House Bill No. 156, "An Act to authorize Sheriffs to issue certain processes," report the same back to the House and recommend the passage thereof.

Also, House Bill No. 223, "An Act to provide for raising a tax in Pottowottomie County," report the same back to the House and recommend the passage thereof.

W. L. LEWIS, Chairman.

On motion of Mr. Danford, the House resolved itself into a Committee of the Whole, upon House Bill No. 150, "An Act providing for the apportionment of the Territory," Mr. Townsend in the Chair.

After some time spent therein the Committee arose, reported back the Bill and recommended its reference to a Select Committee of five, with instructions to report to-moorow at nine o'clock.

The House concurred, and Messrs. Mitchell, Barry, Vaile, Roberts, of Bourbon, and Bailey, were appointed on that Committee.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 2, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bill No. 195, "An Act to authorize certain persons to establish and maintain (certain) Ferries at Manhattan."

Also, House Bill No. 110, "An Act regulating the taking up and posting of strays."

Respectfully,
S. MEDARY.

Mr. Canniff, from the Joint Committee on Enrolled Bills, submitted the following report:

The Joint Committee on Enrolled Bills respectfully report that the following Bills have been presented to the Governor for his consideration:

House Bill No. 130, "Joint Resolutions ordering the Secretary of the Territory to furnish Statutes for the use of the members of the Legislative Assembly."

House Bill No. 118, "An Act concerning apprentices."

House Bill No. 195, "An Act to authorize certain persons to establish and maintain certain Ferries at Manhattan city."

House Bill No. 142, "An Act regulating crimes and punishment of crimes against the persons of individuals."

House Bill No. 110, "An Act to regulate the taking up and posting of strays."

House Bill No. 228, "An Act supplemental to an Act entitled 'An Act requiring the Judge of the second Judicial District to hold a special term of court, and for other purposes.'"

House Bill No. 28, "Joint Resolutions relative to appropriations for finishing the Capitol at Lecompton."

House Bill No. 136, "An Act establishing and organizing the Counties of Montana, El Paso, Oro, Broderick and Fremont, and to define the boundaries thereof."

H. J. CANNIFF, Chairman.

Mr. Curtiss introduced House Bill No. 244, "An Act to incorporate the Ohio City Association."

Referred to Committee on Corporations and Banking.

Also, a petition from D. M. Alexander and 127 others, for the relief of the tax payers of Douglas County.

Referred to Committee on Ways and Means.

Mr. Canniff presented a remonstrance from S. S. Prouty and 100 others, against any change in the Southern line of Douglas County.

Mr. Mitchell presented a remonstrance from N. H. Williams and 415 others, against any change in the county lines of Linn County.

Both of which were referred to Committee on Counties and County lines.

House Bill No. 223, "An Act authorizing the County of Pottowottomie to assess and collect a tax," was

Read a second time.

The rules were suspended and the Bill was read a third time and passed.

The title was agreed to.

House Bill No. 209, "An Act to incorporate the Kansas and Missouri Stage Company," was

Read a second time.

The rules were suspended, and the Bill was read a third time and passed.

The title was agreed to.

Mr. Allison moved to reconsider the vote whereby House Bill No. 186, "An Act for the incorporation of the Kansas Turnpike Company," was indefinitely postponed.

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Clark, Danford, Finch, Graham of Nemaha, Hovey, Holaday, Holmes, Irvin, Lewis, Lockhart, McDowell, Mitchell, Marsh, Medill, Roberts of Bourbon, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Vaile, Weider, Walters—28.

The gentlemen voting in the negative were Messrs. Curtiss, Dickerson, Graham of Doniphan, Lynde, Morrow, Townsend, Wright, Woodward—8.

So the vote was reconsidered; and

On motion of Mr. McDowell, said House Bill No. 186 was referred to a Select Committee, consisting of Messrs. McDowell, Townsend, Stevenson, Weider and Walters.

On motion of Mr. McDowell, the House substitute for Council Bill No. 88, being House Bill No. — "An Act to merge the town government into the city government of Leavenworth city, and to amend the city charter," was

Read a second time.

The rules were suspended, and the Bill was read a third time and passed.

The title was agreed to.

House Bill No. 243, "An Act regulating and prescribing oaths of officers," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 128, "An Act regulating the jurisdiction of justices of the peace, and the duties of constables," was

Read a second time.

The rules were suspended, and the Bill was read a third time and passed.

Mr. McDowell, from the Committee on Banking and Corporations, submitted the following reports:

The Committee on Banking and Corporations having had under consideration Council Bill No. 55, entitled "An Act to incorporate the Lawrence Savings Bank," beg leave to report that they would recommend the passage of the same as amended:

AMENDMENT

To Sec. 9—The Directors of said Bank, and all other persons holding or having an interest in the same, shall be individually liable for all moneys deposited in said Bank, in the proportion of their respective interests in said Bank.

JAMES L. McDOWELL,
Chairman.

The Committee on Banking and Corporations, having had under consideration Council Bill No. 111, entitled "An Act to incorporate the Town of Forest Hill," beg leave to report that they would recommend its indefinite postponement.

JAMES L. McDOWELL,
Chairman.

The Committee on Banking and Corporations, having had under consideration House Bills No. 236, entitled "An Act to incorporate the town of Miami;" No. 226, entitled "An Act to incorporate the St. John's Town Company," and No. 233, entitled "An Act to incorporate the Board of Managers of Prairie City, to collect its assessments," beg leave to report that they would recommend that they be indefinitely postponed.

Your Committee would again direct your attention to the general Act passed by the Council and the House, to meet and cover such cases as the above, and would again protest against the House occupying its time in special legislation of this class, when ample provision is made for the parties in said general Act.

JAMES L. McDOWELL,
Chairman.

The Committee on Banking and Corporations, having had under consideration Council Bill No. 37, entitled "An Act repealing 'An Act to incorporate the Central Railroad Company,'" passed at the first session of the Legislative Assembly of the Territory of Kansas, beg leave to report that they would recommend the passage of the same.

JAMES L. McDOWELL,
Chairman.

The Committee on Banking and Corporations, having had under consideration House Bill No. 211, entitled "An Act to incorporate the Iowa Point Hotel Company," beg leave to report that they would recommend that the same be indefinitely postponed.

They would refer the parties to the general Act.

JAMES L. McDOWELL,
Chairman.

The Committee on Banking and Corporations, to whom was referred a petition praying the Legislature to empower the city of Palermo to issue bonds, beg leave to report that they would recommend that the prayer of said petitioners be granted, by conferring power to issue bonds to the amount of twenty thousand dollars.

JAMES L. McDOWELL,
Chairman.

The Committee on Banking and Corporations, having had under consideration Council Bill No. 86, entitled "An Act to incorporate the De Soto Bridge Company," and House Bill No. 220, "An Act to incorporate the Osawotomie Bridge Company," beg leave to report that they would recommend the passage of the same.

JAMES L. McDOWELL,
Chairman.

House Bill No. 198, "An Act to incorporate the Miami Town Company," was taken up and

Read a second time.

The rules were suspended, and the Bill was read a third time and passed.

The title was agreed to.

Mr. Roberts, of Leavenworth, from Committee on Federal relations, reported back House Bill No. — "An Act incorporating the Grand Lodge of the Independent Order of Odd Fellows," and recommend that it lay on the table and be printed.

Adopted.

Mr. Townsend called up House Bill No. 210, "An Act to change the name of Robert Peet to that of Robert B. Wilson."

The Bill was read a second and third time and passed.

The title was agreed to.

Council Bill No. 98, "An Act changing the name of the town and township of Brownville to that of Auburn," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 218, "An Act to locate the county seats of Franklin and Anderson counties," was

Read a second time.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform your Honorable Body, that the Council concur in the amendments of the House of Representatives to Council Bill No. 80, with reference to apportionment, except so much as relates to Douglas county, and the addition of Weller to Shawnee county, and they amend the amendments of the House, giving Wyandott three delegates, by giving said county two delegates, and they do not concur in reference to the place of holding the convention.

Also, passed House Bills Nos. 85 and 184.

A. SMITH DEVENNEY,
Secretary of the Council.

Mr. Wright moved to concur in all the amendments of Council to Council Bill No. 80, "An Act making an apportionment for Constitutional Convention," except that designating Wyandott as the place of holding the Convention.

Mr. Vaile moved to amend by concurring in all the amendments of the Council. Agreed to.

The question recurring on Mr. Wright's motion.

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Canniff, Clark, Danford, Graham of Nemaha, Holaday, Holmes, Lynde, Lockhart, McDowell, Morrow, Medill, Roberts of Leavenworth, Scott, Spriggs, Silvers, Townsend, Wright, Woodward, Walters—22.

The gentlemen voting in the negative were Messrs. Curtiss, Dickerson, Graham of Doniphan, Irvin, Lewis, Stevenson, Weider—8.

Carried.

Mr. Allison, from Select Committee on Council Bill No. —— submitted the following report:

Your committee to whom was referred the Bill for the construction of a Territorial Road from Fort Riley to the base of the Rocky mountains; also, the substitute offered by Graham, would respectfully submit the following as substitutes and recommend their passage.

ROBERT GRAHAM, Chairman.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform your Honorable Body that the Council have passed House Bill No. 240 with the following amendments, in which your concurrence is requested:

Sec. 1. After Lykins, insert "Atchison;" after section 12, insert the following additional section:

Sec. 13. The Board of Supervisors of Atchison county, shall have power to correct the assessments heretofore made for the year 1858, where such assessments have been unequally and wrongly made.

A. SMITH DEVENNEY,
Secretary of the Council.

House Bill No. 218, "An Act to locate the county seats of Franklin and Anderson counties," was

Read a third time and passed.

The title was agreed to.

House Bill No. 22, "An Act to restrain dram shops and the sale of intoxicating liquors," was

Read a second time.

Mr. Danford moved to amend by striking out the first six sections. Carried.

Also, to insert "fifty" instead of "thirty," in section 9, line two. Carried.

Mr. Wright moved to amend in section 10, line two, by striking out "vinous and fermented liquors."

Upon which the yeas and nays being ordered,

The gentlemen voting in the affirmative were Messrs. Clark, Irvin, McDowell, Medill, Roberts of Linn, Stevenson, Silvers, Wright, Welder—9.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Canniff, Curtiss, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Lewis, Lynde, Lockhart, Morrow, Scott, Spriggs, Townsend, Woodward, Walters—22.

Lost.

Mr. Hovey moved to amend in section 11, line one, by inserting the word "open" after the word "keep." Agreed to.

Mr. Wright moved to amend by adding to section 13, the words "or to any married man against the known wishes of his wife." Agreed to.

Mr. Hovey moved to amend by striking out in section 16, line one, the words "contrary to this Act." Agreed to.

Mr. Scott offered the following amendment:

SEC. ——. Nothing in this Act shall be so construed as to prevent the granting of beer license at half the rates usually charged for the sale of spirituous liquors.

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. McDowell, Medill, Roberts of Leavenworth, Scott, Wright, Weider, Woodward, Walters—8.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Canniff, Curtiss, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Irvin, Lewis, Lynde, Lockhart, Morrow, Stevenson, Spriggs, Silvers, Townsend—22.

Lost.

Mr. Wright offered the following amendment:

Section 1. Native wine, the product of grape raised in this Territory, may be sold without license or fee, and without the same being subject to any penalty.

Upon which the yeas and nays being ordered,

The gentlemen voting in the affirmative were Messrs. Curtiss, Dickerson, Graham of Doniphan, Hovey, Irvin, McDowell, Morrow, Medill, Stevenson, Wright, Weider, Woodward, Walters —13.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Canniff, Danford, Finch, Graham of Nemaha, Holaday, Holmes, Lewis, Lynde, Lockhart, Roberts of Leavenworth, Scott, Spriggs, Silvers, Townsend—17.

Lost.

Mr. Lewis offered the following amendment:

Section —. Justices of the Peace in counties where a breach of any of the provisions of this Act shall have been committed, may take cognizance and shall have jurisdiction; and may punish by fine not to exceed one hundred dollars, or by imprisoment in the county jail.

Lost.

Mr. Barry offered the following amendment:

Section —. It shall be the duty of constables to make a true return of all persons violating this Act to the Justices of the Peace of their respective Counties.

Adopted.

The question being "Shall the Bill pass?"

The yeas and nays were demanded:

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Curtiss, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Irvin, Lewis, Lynde, Lockhart, McDowell, Morrow, Medill, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Townsend, Weider, Woodward, Walters—29.

The gentlemen voting in the negative were Messrs. Clark, Silvers, Wright—3.

So the Bill passed.

The title was agreed to.

Mr. J. B. Caverner appeared and was sworn in as Assistant Enrolling Clerk.

On motion of Mr. Danford, the special order of the day was made the special order for next Monday at 10 o'clock.

Mr. Lynde, from the Committee on Public Roads, submitted the following report:

The Committee on Public Roads having had House Bills Nos. 224, 219, 222, 239, 221 and 237, in relation to bridges and ferries, under consideration.

Also, Council Bill No. 100, "An Act to establish a ferry at Belmont on the Missouri river," beg leave to report the same back and recommend their passage.

EDWARD LYNDE, Chairman.

Mr. Lynde offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure curtains or shades for the windows in the West end of this Hall, forthwith.

Adopted.

Council Bill No. 84, "An Act to define the boundaries of Doniphan County," was

Read a second time.

Mr. Scott introduced House Bill No. 247, "An Act to incorporate the Kansas Central Telegraph Company."

Referred to Committee on Corporations and Banking.

Mr. Dickerson presented a petition from Milo Carlton and 27 others, for a Territorial road from Atchison to Grasshopper Falls.

Referred to Committee on Public Roads.

Mr. Woodward, from Select Committee on Council Bill No. 91, submitted the following report:

The Committee to whom was referred Council Bill No. 91, entitled "An Act to incorporate the Tecumseh Female Seminary," report it back to the House and recommend its passage.

L. WOODWARD, Chairman.

Mr. Stevenson introduced House Bill No. 248, "An Act to charter a Ferry across the Saline Fork."

Referred to the Committee on Public Roads.

Mr. T. R. Points, Member of the House from Pottowottomie County, appeared and took the oath of office.

Mr. Graham, of Nemaha, introduced House Bill No. 249, "An Act to incorporate the Grenada Town Company."

Referred to Committee on Corporations and Banking.

Mr. McDowell introduced House Bill No. 250, "An Act to relieve the firemen of the City of Leavenworth."

The rules were suspended and the Bill was read a second and third time and passed.

The title was agreed to.

Mr. Roberts, of Leavenworth, offered the following resolution:

WHEREAS, A Bill entitled "An Act regulating jurisdiction of Justices," &c., has passed this House and been sent to the Council, and

WHEREAS, An important mistake was made therein, therefore,

Resolved, By the House of Representatives, that the Council be and the same is hereby most respectfully requested to return the same.

Adopted.

Adjourned.

B. P. AYERS, Clerk.

THURSDAY, FEBRUARY 3, 1859,
NINE O'CLOCK A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings were read and approved.

Mr. O. S. Boswell, Assistant Engrossing Clerk, appeared and took the oath of office.

House Bill No. 186, "An Act to establish the Kansas Turnpike Company," was made the special order for Friday, at 10 o'clock A. M.

Mr. McDowell, from Committee on Corporations and Banking, submitted the following reports:

The Committee on Banking and Corporations having had under consideration House Bill No. 249, entitled "An Act to incorporate the town company of Granada," beg leave to report the same without recommendation.

JAMES L. McDOWELL, Chairman.

The Committee on Banking and Corporations having had under consideration House Bill No. 247, entitled "An Act to incorporate the Kansas Central Telegraph Company," beg leave to report that they would recommend the passage of the same.

JAMES L. McDOWELL, Chairman.

The Committee on Banking and Corporations having had under consideration House Bill No. 244, entitled "An Act to incorporate the Ohio City Association," beg leave to report the same to the House without recommendation.

JAMES L. McDOWELL, Chairman.

The Committee on Banking and Corporations having had under consideration Council Bill No. 114, entitled "An Act to incorporate the Atchison and Pike's Peak Railroad Company;" Council Bill No. 115, entitled "An Act to amend an Act to incorporate the Atchison and Fort Riley Railroad Company," beg leave to report the same for the consideration of the House.

JAMES L. McDOWELL, Chairman.

The Committee on Banking and Corporations having had under consideration House Bill No. 149, entitled "An Act to incorporate the Lawrence and Fort Union Railroad Company," beg leave to report the same to the House without recommendation.

JAMES L. McDOWELL, Chairman.

The Committee on Banking and Corporations having had under consideration House Bill No. 249, entitled "An Act to incorporate the South Platte River Water Company," beg leave to report that they cannot conscientiously recommend the passage of the same.

JAMES L. McDOWELL, Chairman.

All of which were adopted.

Mr. Lewis, from the Judiciary Committee, submitted the following report:

The Judiciary Committee having examined House Bill No. 139, "An Act relative to recording conveyances," &c., report the same back (as amended by striking out the fourth Section,) and recommend the passage thereof.

W. L. LEWIS, Chairman.

The Judiciary Committee having examined House Bill No. 231, "An Act amending an Act to define the several Judicial Districts of the Territory of Kansas," report the same back to the House, and recommend the same to be printed for the consideration of the House.

W. L. LEWIS, Chairman.

Mr. Lynde, from the Committee on Public Roads, submitted the following report:

The Committee on Public Roads having had House Bill No. 246 under consideration, entitled "An Act to authorize D. W. Huston and others, to keep a ferry across the Marias de Cygnes, at Ottawa Ford," report the same back and recommend its passage.

EDWARD LYNDE, Chairman.

Also, House Bill No. —, "An Act to locate Territorial roads," and recommend its passage.

EDWARD LYNDE, Chairman.

Mr. Canniff, from Committee on Enrolled Bills, submitted the following report:

The Joint Committee on Enrolled Bills, have examined the following Bills and find them properly enrolled:

House Bill No. 194, "An Act for securing liens to mechanics and others;" House Bill No. 196, "An Act respecting Notaries Public," and have presented the same to the Governor for his consideration.

H. J. CANNIFF, Chairman.

Mr. Allen, from Committee on Elections, submitted the following report:

The Committee on Elections having under consideration House Bill No. 232, would report the same back without amendment, and recommend its passage.

ALLISON, Chairman.

Mr. Lockhart, from Committee on Vice and Immorality, reported back Council Bill No. 108, "An Act to protect the rights of married women," and recommended its passage.

Also, Council Bill No. 107, "An Act concerning divorce and alimony."

Both of which, the rules being suspended, were

Read a second and third time and passed.

The respective titles were agreed to.

Mr. Mitchell, from Select Committee on House Bill No. 150, "An Act apportioning the Territory of Kansas for members of the Legislature," reported a substitute..

On motion of Mr. Danford the House resolved itself into Committee of the Whole upon said substitute for House Bill No. 150, Mr. Danford in the Chair.

After some time spent therein the committee arose, reported back the Bill, and recommended its passage.

Mr. Morrow moved that the House non-concur in the recommendation of the Committee,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Branscomb, Canniff, Curtiss, Clark, Irvin, Lewis, Lynde, Morrow, Wright, Walters—10.

The gentlemen voting in the negative were Messrs. Allison, Barry, Bailey, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nehama, Hovey, Holaday, Holmes, Lockhart, McDowell, Mitchell, Marsh, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Spriggs, Silvers, Townsend, Weider, Woodward—26.

Lost.

On motion of Mr. Mitchell, the House concurred in the recommendations of the committee.

The question being "Shall the Bill pass?"

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Bailey, Danford, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Lewis, Lockhart, McDowell, Mitchell, Marsh, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Spriggs, Silvers, Townsend, Wright, Weider, Woodward—27.

The gentlemen voting in the negative were Messrs. Branscomb, Canniff, Curtiss, Clark, Dickerson, Irvin, Lynde, Morrow, Walters—9.

So the Bill passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform your Honorable Body that the Council have passed House Bills Nos. 172, 144, 175, 105, 192, 120, 162, 1, 181, 50, 65, 68, 91, 94, 89, 214, 135, 119, 19, 164, 179, 121, without amendment.

Also, House Bill No. 185, with the following amendment: In section 1, after "for," strike out "one mile" and insert "one half mile."

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Danford, the vote by which House Bill No. 22, "An Act to restrain dram shops and the sale of intoxicating liquors" was passed, was reconsidered and the Bill again taken up.

Mr. Scott moved to amend by adding the following:

Sec. ——. That nothing in this Act shall be so construed as to prevent the City Council of the city of Leavenworth, from granting a license for the sale of beer only, at such rate of license as they may deem proper, or from exercising the exclusive control of the right granting all licenses to sell drams within the city limits.

Mr. Lynde moved to lay the amendment on the table.

Upon which, the gentlemen voting in the affirmative were Messrs. Barry, Curtiss, Finch, Graham of Nemaha, Lewis, Lynde, Mitchell, Points, Townsend—9.

The gentlemen voting in the negative were Messrs. Allison, Branscomb, Bailey, Canniff, Clark, Danford, Dickerson, Graham of Doniphan, Hovey, Holaday, Irvin, Lockhart, McDowell, Marsh, Morrow, Medill, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Spriggs, Silvers, Vaile, Wright, Weider, Woodward, Walters—27.

Lost.

Mr. Danford offered the following amendment to the amendment:

Provided, That the revenue received under this section, shall be paid into the county treasury.

Adopted.

The amendment as amended, was then carried.

Mr. Canniff offered the following amendment:

SEC. ——. Justices of the peace shall have jurisdiction and take cognizance of offences under this Act, and shall have authority to impose fines not to exceed one hundred dollars, or to bind over for appearance at the proper court, under the Act concerning criminal procedure.

Adopted.

The Bill as amended was then passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body, that the Council have passed Council Bills Nos. 12, 9, 130, 104, 127, 117, 121, 120, 134, 126, 123, 4, 110, 95, 139, in which your concurrence is respectfully solicited, and the Council refuses to accede to the request of the House of Representatives in reference to the return of Council Bill No. 128.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Lewis, from the Judiciary Committee, submitted the following reports:

OFFICE CODIFYING COMMISSIONERS,
February 1, 1859.

To the Legislative Assembly:

We herewith transmit for your action, "An Act relating to the authentication of statutes, records, office papers, &c.," "An Act concerning guardians and wards," "An Act providing for the appointment of commissioners to take depositions in other Territories and States," and recommend their passage.

Very Respectfully,
WILLIAM McKAY,
E. S. LOWMAN,
J. McCAHON.

The Judiciary Committee having examined "An Act providing for the appointment of commissioners to take depositions in other Territories and States," report the same to the House and recommend the passage thereof.

Also, "An Act relating to the authentication of the statutes records, &c.," report the same to the House and recommend the passage thereof.

House Bill No. 251, "An Act relative to the authentication of statutes, records, office papers, etc.," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 252, "An Act providing for the appointment of commissioners to take depositions," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 205, "An Act to incorporate the town of Highland," was

Read a second and third time and passed.

The title was agreed to.

Mr. Barry, from Select Committee on House Bill No. 55, submitted the following report:

The Committee to whom was referred House Bill No. 55, "An Act to incorporate the Bank of Leavenworth," having had the same under consideration, beg leave to report a substitute and recommend its passage.

ABRAHAM BARRY, Chairman.

Ordered to be printed.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council have passed Council Bill No. 124, in which your concurrence is respectfully solicited.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Clark introduced House Bill No. 253, "An Act to amend the charter of the Kansas Valley Branch Bank at Atchison."

Ordered to be printed.

Also, House Bill No. 254, "An Act to incorporate the Bank of Kansas."

Ordered to be printed.

Mr. Barry, from Select Committee on House Bill No. 127, submitted the following report:

The Special Committee, to whom was referred House Bill No. 127, entitled "An Act to amend the charter of the Kansas

Valley Bank, at Atchison," beg leave to report a substitute, and recommend its passage.

ABRAHAM BARRY, Chairman.

Ordered to be printed.

House Bill No. 227, "An Act exempting improvements from taxation in certain cases," was

Read a second time.

Mr. Vaile moved to strike out all after the enacting clause.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Clark, Graham of Nemaha, Hovey, Irvin, Morrow, Points, Roberts of Leavenworth, Roberts of Bourbon, Vaile, Woodward—12.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Curtiss, Danford, Dickerson, Finch, Graham of Doniphan, Holaday, Holmes, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Medill, Scott, Stevenson, Spriggs, Silvers, Townsend, Wright, Weider, Walters—25.

Lost.

Mr. Woodward moved to amend the Bill in section four, line four, by striking out all after the word "same." Lost.

Mr. Roberts, of Leavenworth, moved to amend in section two, line three, by inserting the words, "*Provided*, that no improvement shall cover more than one hundred and sixty acres of land, or one lot in any town or city."

Mr. Graham, of Nemaha, moved to amend the amendment by inserting "five hundred dollars valuation."

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Clark, Graham of Nemaha, Hovey, Holmes, Irvin, McDowell, Morrow, Points, Spriggs, Silvers, Townsend, Vaile, Woodward—15.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Curtiss, Danford, Dickerson, Finch, Graham of Doniphan, Lewis, Lynde, Lockhart, Mitchell, Marsh, Medill, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Wright, Weider, Walters—21.

So the amendment to the amendment was lost.

Mr. Vaile moved to amend in section two, line —, by inserting "one thousand."

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Canniff, Clark, Danford, Dickerson, Finch, Graham of Nemaha, Hovey, Holmes, Irvin, Lynde, Lockhart, McDowell, Medill, Points, Spriggs, Silvers, Townsend, Vaile, Woodward—20.

The gentlemen voting in the negative were Messrs. Allison, Branscomb, Bailey, Lewis, Mitchell, Marsh, Morrow, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Wright, Weider, Walters—15.

Carried.

Pending the passage of the Bill to a second reading, the House took a recess.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Wright moved that the special order for this hour, House Bill No. 186, "An Act to establish the Kansas Turnpike Company," be laid over until to-morrow at 9 o'clock A. M.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Curtiss, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Lewis, Lynde, Morrow, Points, Roberts of Leavenworth, Scott, Silvers, Wright, Woodward—15.

The gentlemen voting in the negative were Messrs. Allison, Canniff, Clark, Finch, Irvin, Lockhart, McDowell, Mitchell, Marsh, Medill, Roberts of Bourbon, Stevenson, Spriggs, Townsend Vaile, Weider Walters—17.

Lost.

On motion of Mr. Roberts, of Bourbon, the House resolved itself into Committee of the Whole, upon House Bill No. 186, "An Act to establish the Kansas Turnpike Company," Mr. Curtiss in the Chair.

After some time spent therein the Committee arose and reported back the Bill, recommending its passage.

The rules were suspended and the Bill

Read a second time.

Mr. Woodward offered the following amendment to Section twelve:

And the said Company are hereby prohibited from taking toll for any portion of the said road where they have not either graveled, macadamized or planked said road.

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Canniff, Gurtiss, Dickerson, Graham of Doniphan, Lynde, Morrow, Points, Roberts of Leavenworth, Spriggs, Silvers, Woodward, Walters —12.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Bailey Clark, Danford, Finch, Graham of Nemaha, Holaday, Irvin, Lockhart, McDowell, Mitchell, Marsh, Medill, Roberts of Bourbon, Scott, Stevenson, Townsend, Vaile, Wright, Weider—22.

Lost.

Mr. McDowell moved to amend in Section twelve, by striking out that portion which refers to the Ohio tolls. Carried.

Mr. Walters offered the following amendment:

Section —. Nothing contained in this Act shall authorize the Company to occupy for Turnpike purposes any Territorial road located by order and at the expense of the Territory or State.

Carried.

Mr. Danford offered the following amendment to be inserted in Section four:

Provided, That the exclusive privileges herein conferred upon said Company, for one mile on each side of said turnpikes, shall not apply to or affect present Territorial roads, or those authorized at the present or any future session of the Legislative Assembly.

Carried.

Mr. Roberts, of Leavenworth, offered the following amendment to be inserted in Section twelve:

Provided, That nothing herein contained shall be so construed as to require said Company to pay the damages herein provided for.

Carried.

Mr. Clark offered the following amendment to Section four:

Provided, That no Territorial road shall be located upon the Turnpikes named herein.

Lost.

The question recurring on the final passage of the Bill as amended,

The gentlemen voting in the affirmative were Messrs. Allison, Branscomb, Bailey, Clark, Holaday, Irvin, McDowell, Mitchell, Marsh, Medill, Roberts of Bourbon, Scott, Stevenson, Townsend, Vaile, Weider—16.

The gentlemen voting in the negative were Messrs. Barry, Canniff, Curtiss, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Lynde, Lockhart, Morrow, Points, Roberts of Leavenworth, Spriggs, Silvers, Wright, Woodward, Walters—18.

Lost.

Mr. Wright moved that the Bill be postponed until the fourth of July next,

Upon which the yeas and nays being demanded.

The gentlemen voting in the affirmative were Messrs. Barry, Canniff, Curtiss, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Lynde, Lockhart, Morrow, Points, Roberts of Leavenworth, Spriggs, Silvers, Wright, Woodward, Walters—17.

The gentlemen voting in the negative were Messrs. Allison, Branscomb, Bailey, Clark, Danford, Finch, Holaday, Irvin, McDowell, Mitchell, Marsh, Medill, Roberts of Bourbon, Scott, Stevenson, Townsend, Vaile, Weider—18.

Lost.

On motion of Mr. Branscomb, the Bill was laid on the table.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 3, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bill No. 142, "An Ac regulating crimes and punishment of crimes against the persons of individuals."

Also, House Bill No. 196, "An Act respecting Notaries Public."

Also, House Bill No. 194, "An Act securing liens to mechanics and others."

Respectfully,

S. MEDARY.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 1, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bill No. 228, "An Act supplemental to an Act entitled 'An Act requiring the Judge of the Second Judicial District to hold a Special Term of Court, and for other purposes,'" passed at the present session of the Legislative Assembly.

Respectfully,

S. MEDARY.

Messages from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council has passed the following concurrent resolution, in which your concurrence is respectfully requested:

WHEREAS, The Act entitled "An Act for the formation of a Constitution and State Government of the State of Kansas," as sent to the Enrolling Clerk, provided, in the seventh Section, that the election of State Officers, under said Constitution, shall take place on the first Monday of October next, and further provides, in the sixth Section, that the Constitution shall be submitted to the people for ratification or rejection, on the first Tuesday of October next; *and whereas*, it is evident that an erroneous date has been interpolated in said seventh Section of said Act, by inserting "first Monday of October," instead of "first Tuesday of December," therefore

Resolved, by the Council, the House of Representatives concurring, that the enrolling Clerk of the Council shall be and is hereby required to correct said error by inserting, in said seventh Section of said Act, "the first Tuesday of December, A. D. 1859," as the day for the election of Officers under said Constitution.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your

Honorable Body that the Council has passed House Bill No. 203, entitled "An Act providing a charter for the Home Association, in Home Town, K. T."

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 99, entitled "An Act for the adjustment and payment of claims," in which your concurrence is respectfully invited.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council has passed House Bill No. 192.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Lewis, from the Judiciary Committee, submitted the following report:

The Judiciary Committee, having examined an Act concerning guardians and wards, report the same to the House, and recommend the pessage thereof.

W. L. LEWIS, Chairman.

House Bill No. 255, "An Act concerning guardians and wards," was

Read a second and third time and passed.

The title was agreed to.

Mr. Lynde, from Committee on Public Roads, reported House Bill No. 256, "An Act locating certain Territorial roads." The Bill was

Read a second time, and laid on the table to be printed.

Council Bill No. 4, "An Act to establish a ferry at Topeka," was

Read a second time.

The rules were suspended and the Bill was

Read a third time and passed.

The title was agreed to.

Mr. Clark introduced House Bill No. 257, "An Act to declare certain Military Roads Territorial Roads," which was

Read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

Council Bill No. 74, "An Act to amend an Act entitled 'An Act legalizing the registry of deeds for the City of Topeka,'" was

Read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 124, "An Act to incorporate the Leavenworth Gas Company," was

Read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 138, "An Act to authorize William T. Williamson and others to build a bridge across the Little Arkansas, K. T.," was

Read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 201, "An Act to incorporate the Osawatomie Bridge Company," was

Read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 204, "An Act to amend an Act entitled 'An Act to establish a ferry at the town of Atchison,'" was

Read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 215, "An Act to incorporate the Leavenworth Literary Association," was

Read a second time,

The rules were suspended and the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 230, "An Act to incorporate the Bullion Bank, at Leavenworth," was indefinitely postponed.

On motion of Mr. Danford, the vote was reconsidered, and the Bill laid upon the table.

House Bill No. 123, "An Act to amend an Act entitled 'An Act to incorporate the city of Osage,'" was

Read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 156, "An Act to authorize sheriffs of several *counties to serve certain processes*," was

Read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 237, "An Act to authorize a bridge across the Wakarusa river," was

Read a second time.

The rules were suspended the Bill was

Read a third time and passed.

The title was agreed to.

Council Bill No. 71, "An Act to incorporate the Waterloo Town Company," was

Read a second time.

The rules were suspended, the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 219, "An Act to charter a Ferry across the Kansas river," was

Read a second time.

The rules were suspended, the Bill was

Read a third time and passed.

The title was agreed to.

Council Bill No. 100, "An Act to charter a Ferry at Belmont on the Missouri river," was

Read a second time.

The rules were suspended, the Bill was

Read a third time and passed.

The title was agreed to.

Council Bill No. 91, "An Act to incorporate the Tecumseh Female Seminary," was

Read a second time.

The rules were suspended, the Bill was

Read a third time and passed.

The title was agreed to.

Council Bill No. 84, "An Act defining the boundaries of Doniphan county, and for other purposes," was referred to a Select Committee, consisting of Messrs. Canniff, Lockhart and Vaile.

Council Bill No. 55, "An Act to incorporate the Lawrence Savings Bank," was

Read a second time.

The rules were suspended, the Bill was

Read a third time and passed.

The title was agreed to.

EVENING SESSION.

SEVEN O'CLOCK.

The special order for the hour, House Bill No. 87, "An Act to exempt real estate and personal property from sale on execution," was taken up, and

Laid on the table.

Mr. Curtiss introduced House Bill No. 258, "An Act to define the boundaries of Shawnee county."

Mr. Holmes presented a remonstrance from E. S. Hoagland and twelve others, against any change in the eastern boundary of Shawnee county.

Both of which were referred to Committee on Counties and County Lines.

Mr. Vaile introduced House Bill No. 259, "An Act to organize the county of Washington."

The rules were suspended, and the Bill was

Read a second and third time and passed.

The title was agreed to.

Mr. Irvin introduced House Bill No. 260, "An Act to incorporate the University of Monrovia."

The rules were suspended, and the Bill was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 79, "An Act to incorporate the Lecompton Bridge Company," was

Read a second and third time and passed.

The title was agreed to.

Mr. Allison introduced House Bill No. 261, "An Act legalizing the election of certain county officers in Doniphan county."

The rules were suspended, and the Bill was

Read a second and third time and passed.

The title was agreed to.

Mr. Morrow introduced House Bill No. 262, "An Act to charter a ferry across the Kansas river, at or near the range line between 21 and 22."

The rules were suspended, and the Bill was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 77, "An Act to locate a Territorial road from Leavenworth city to Topeka," was

Read a second and third time and passed.

The title was agreed to.

Mr. McDowell, from the Committee on Banking and Corporations, submitted the following report:

The Committee on Banking and Corporations, to whom was recommitted House Bill No. 79, entitled "An Act to incorporate the Lecompton Bridge Company," beg leave to report that they would recommend the passage of the same as amended.

JAMES L. McDOWELL, Chairman.

Mr. Bailey, from Select Committee on Council Bill No. 125, "An Act to incorporate the New England Society of Kansas," reported back the Bill with the following amendments, recommending its passage.

AMENDMENTS.

Amend by inserting in the eighth line, after T. G. Thurston, the following names, viz:

Charles H. Branscomb, P. H. Townsend, A. Danford, S. L. Norris, G. F. Warren, L. D. Bailey, T. S. Vaile, W. L. Lewis and J. B. Hovey.

Second, Insert after section five, as follows:

Sec. 6. That any five of the corporators above named, may call a meeting for the organization of the Society by giving one day's notice in any newspaper published in the city of Lawrence.

Adopted.

Said Council Bill No. 125, was

Read a second and third time, as amended, and passed.

The title was agreed to.

Mr. Danford offered the following resolution:

Resolved, That this House will take action upon no special Bill at the present session, introduced after 10 o'clock of Monday next.

Mr. Lockhart moved to amend by inserting 10 o'clock to-night. Lost.

The resolution was then lost.

House Bill No. 227, "An Act to exempt improvements from taxation in certain cases," was taken up.

Mr. Lockhart moved to reconsider the vote whereby the Bill was amended so as to exempt $1,000 worth of property from taxation. Carried.

The question being on the second reading of the Bill, the yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Curtiss, Danford, Finch, Graham of Doniphan, Holaday, Holmes, Lewis, Lynde, Lockhart, Mitchell, Marsh, Medill, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Wright, Weider, Walters—23.

The gentlemen voting in the negative were Messrs. Bailey, Canniff, Clark, Graham of Nemaha, Hovey, Irvin, McDowell, Morrow, Townsend, Vaile, Woodward—11.

Carried.

Mr. Woodward moved that the Bill be indefinitely postponed.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Clark, Graham of Nemaha, Irvin, McDowell, Morrow, Townsend, Vaile, Woodward—10.

The gentlemen voting in the negative were Messrs. Allison Barry, Branscomb, Curtiss, Danford, Finch, Graham of Doniphan, Hovey, Holaday, Holmes, Lewis, Lynde, Lockhart, Mitchell, Marsh, Medill, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Wright, Weider, Walters—24.

Lost.

The question recurring on the amendment, exempting $1,000 worth of property from taxation, the yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Clark, Graham of Nemaha, Hovey, Irvin, McDowell, Morrow, Spriggs, Silvers, Vaile and Woodward—12.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Curtiss, Danford, Finch, Graham of Doniphan, Holaday, Holmes, Lewis, Lynde, Lockhart, Mitchell, Marsh, Medill, Roberts of Leavenworth, Scott, Stevenson, Townsend, Wright, Weider, Walters—22.

Lost.

Mr. Canniff moved that the Bill be indefinitely postponed,

Upon which the yeas and nays being ordered,

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Clark, Graham of Nemaha, Hovey, Irvin, McDowell, Morrow, Townsend, Vaile, Woodward—11.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Curtiss, Danford, Finch, Graham of Doniphan, Holaday, Holmes, Lewis, Lynde, Lockhart, Mitchell, Marsh, Medill, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Wright, Weider, Walters—22.

Lost.

The question being, "Shall the Bill pass?"

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Bailey, Curtiss, Danford, Finch, Graham of Doniphan, Holaday, Holmes, Lewis, Lynde, Lockhart, Mitchell, Marsh, Medill, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Wright, Weider, Walters—23.

The gentlemen voting in the negative were Messrs. Canniff, Clark, Graham of Nemaha, Hovey, Irvin, McDowell, Morrow, Townsend, Vaile, Woodward—10.

So the Bill passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 113, "An Act supplemental to an Act to establish certain Territorial roads," in which your concurrence is respectfully solicited.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Danford moved that the vote by which House Bill No. 227 was passed, be reconsidered, and that that motion be laid upon the table. Carried.

House Bill No. 217, "An Act to incorporate the village of Oskaloosa," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 197, "An Act regulating the rate of interest on money," was taken up.

Mr. Woodward moved to amend by striking out all after the word "provided," in Section 2. Lost.

Mr. Bailey moved to amend by striking out the third section. Lost.

The rules were suspended, and the Bill was

Read a second and third time and passed.

The title was agreed to.

Mr. McDowell introduced House Bill No. 263, "An Act to incorporate the Leavenworth Fire and Marine Insurance Company.

Referred to Committee on Corporations and Banking.

Mr. Barry presented a petition from Franklin Burns, for a ferry at the mouth of Solomon's Fork.

Also, House Bill No. 264, "An Act authorizing two ferries at the mouth of Solomon's Fork of the Smoky Hill river," both of which were

Referred to the Committee on Public Roads.

Adjourned.

B. P. AYERS, Clerk.

FRIDAY, FEBRUARY 4, 1859,
NINE O'CLOCK, A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

Mr. Barry offered the following resolution:

Resolved, That the Secretary of the Territory be requested to furnish this House with such information as he may have in his possession, in relation to Council Bill No. 78.

Adopted.

Mr. Woodward offered the following resolution:

Resolved, That the committee to whom was referred House Bill No. 29, be required to report on said Bill immediately, and that the Bill be taken up and considered.

Adopted.

Mr. Roberts, of Bourbon, from Select Committee on House Bill No. 29, "An Act repealing an Act entitled 'An Act establishing the office of Land District Recorder,'" reported the same back to the House without recommendation.

On motion of Mr. Woodward, Council Bill No. 102, "An Act amending an Act entitled "An Act establishing the office of

Land District Recorder,'" was taken up in place of said House Bill No. 29, and referred to a Select Committee, consisting of Messrs. Barry, Mitchell and Branscomb, with instructions to report to-night.

On motion of Mr. Scott, the Clerk was instructed to report to the House to-morrow, the numbers and titles of all general laws originating in this House, which have passed and received the Governor's signature.

Mr. Canniff, from Committee on Counties and County Lines, submitted the following report:

The Committee on Counties and County Lines having considered House Bill No. 238, "An Act to locate the county seat of Calhoun county," report it back to the House and recommend its passage.

H. J. CANNIFF, Chairman.

Mr. Canniff, from the Joint Committee on Enrolled Bills, submitted the following report:

The Joint Committee on Enrolled Bills, have examined the following Bills, and find the same correctly enrolled:

House Bill No. 15, "An Act regulating elections."

House Bill No. 10, "An Act to provide for locating and working highways."

House Bill No. 85, "An Act to locate the county seat of Allen county."

House Bill No. 113, "An Act to incorporate Baldwin city."

House Bill No. 120, "An Act to incorporate Prairie city," and presented the same to the Governor for his consideration.

H. J. CANNIFF, Chairman.

Mr. Curtiss, from Committee on Engrossed Bills, reported House Bill No. 22 correctly engrossed.

Mr. McDowell, from the Committee on Corporations and Banking, submitted the following reports:

The Committee on Banking and Corporations, having had under consideration House Bill No. 263, entitled "An Act to incorporate the Leavenworth Fire and Marine Insurance Company,"

Council Bill No. 93, entitled "An Act to incorporate the Atchison Fire and Marine Insurance Company," beg leave to report the same without recommendation, and would call the attention of the House to the Act referred to on page 128, Local Laws, 1857.

JAMES L. McDOWELL,
Chairman.

The Committee on Banking and Corporations, having had under consideration Council Bill No. 9, beg leave to report the same to the House and recommend its passage.

JAMES L. McDOWELL,
Chairman.

The Committee on Banking and Corporations having had under consideration Council Bill No. 117, entitled "An Act to incorporate the Marias de Cygnes Town Company," report the same without recommendation.

No. 120, entitled "An Act to incorporate the Marias de Cygnes Bridge Company," report they would recommend its passage as amended.

AMENDMENT.

Strike out section 4, and insert substitute.

No. 95, entitled "An Act to incorporate the Kansas Medical Society," beg leave to report and recommend the passage of the same.

JAMES L. McDOWELL,
Chairman.

The Committee on Banking and Corporations, having had under consideration Council Bill No. 139, entitled "An Act to incorporate the Monticello Town Company," beg leave to report the same without recommendation.

JAMES L. McDOWELL,
Chairman.

Mr. Bailey, from Select Committee on Council Bills Nos. 68 and 76, submitted the following report:

The Select Committee to whom was referred Council Bill No. 68, entitled "An Act organizing and temporarily locating the county seat of Weller county."

Also, Council Bill No. 76, entitled "An Act to fix permanently the county seat of Johnson county," having had the same under consideration, report the same back without amendment and recommend their passage.

L. D. BAILEY, Chairman.

Mr. Lynde from the Committee on Public Roads, submitted the following reports:

The Committee on Public Roads, having had Council Bill No. 130 under consideration, would report the same with amendments and recommend its passage:

Insert in the second section, fifth line, after the word "Territory" "by way of Grasshopper Falls, Jefferson county."

EDWARD LYNDE, Chairman.

The Committee on Public Roads, to whom was referred House

Bill No. 262, have considered the same and report that they would recommend its passage.

EDWARD LYNDE, Chairman.

The Committee on Public Roads have considered Council Bill No. 126, "An Act regulating ferries," and find that a Bill of like provisions passed this House some days since. Your committee would therefore report the same without recommendation.

EDWARD LYNDE, Chairman.

Mr. Morrow introduced House Bill No. 264, "An Act to incorporate the Trinity church at Lawrence."

The rules were suspended, the Bill was

Read a second and third time and passed.

The title was agreed to.

Mr. Canniff, from Select Committee on Council Bill No. 14, submitted the following report:

The Select Committee to whom was referred Council Bill No. 14, "An Act defining the boundary of Doniphan county, and for other purposes," report the Bill back to the House without recommendation.

H. J. CANNIFF, Chairman.

Mr. Vaile, from the Select Committee on Council Bill No. 36, submitted the following report:

The Select Committee to whom was referred Council Bill No. 36, entitled "An Act confirming the location of certain county seats," having had the same under consideration, beg leave to report the same back to the House with amendments, and recommend it to the consideration of the House.

Amend as follows, to wit: In

SEC. 1. Strike out all after the word "Burlington" in the third line. In

SEC. 2. Fifth line, strike out the word "places" and insert "place," and in the eighth line strike out the words "the county interested" and insert the words "said county." In

SEC. 3. Last line, strike out the word "February" and insert "March."

In the title of the Act, strike out the words "certain county seats" and insert the words "the county seat of Neosho county."

Also, after section 2, insert as follows:

SEC. 3. The name of said county of Coffey is hereby changed to Neosho county.

T. S. VAILE.

Mr. Stevens moved that Council Bill No. 84, "An Act defining the boundaries of Doniphan county" be indefinitely postponed.

Mr. Lewis moved an amendment to make it the special order for to-morrow at 9 o'clock. Lost.

Mr. Marsh introduced the following resolution:

Resolved, That the whole subject of change in county lines be indefinitely postponed during the remainder of this session.

Upon which the yeas and nays being demanded.

The gentlemen voting in the affirmative were Messrs. Curtiss, Clark, Dickerson, Finch, Holaday, Irvin, Lewis, McDowell, Mitchell, Marsh, Medill, Stevenson, Spriggs, Silvers, Weider—15.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Canniff, Danford, Graham of Doniphan, Graham of Nemaha, Holmes, Lynde, Lockhart, Morrow, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Townsend, Wright, Woodward, Walters—18.

Lost.

Said Council Bill No. 84, was then indefinitely postponed.

House Bill No. 36, "An Act to incorporate the Grand Lodge of Odd Fellows," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 139, "An Act relative to recording conveyances of real estate," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 213, "An Act declaring certain county offices vacant," was

Read a second and third time and passed.

The title was agreed to.

Mr. Lewis, from Committee on Judiciary, submitted the following report:

The Judiciary Committee having examined Council Bill No. 105, "An Act regulating Wills," report the same back to the House and recommend the passage thereof.

W. L. LEWIS, Chairman.

House Bill No. 105, "An Act regulating Wills," was

Read a second and third time and passed.

The title was agreed to.

Mr. Roberts, of Leavenworth, from Committee on Federal Relations, submitted the following report:

The Committee on Federal Relations, to whom was referred Council Bill No. 109, entitled "An Act in relation to Marriages," report that they have had the subject under consideration, and would recommend the following amendments:

1st. Strike out the words "and cousins," in the second section.

2d. Strike out "fifty" in the eighth section and insert "twenty-five."

The reasons that have induced your Committee to recommend the first amendment are founded upon the firm footings of the human heart. The provision of the Bill proposed to be changed, is this: "That marriages between cousins are declared to be incestuous and absolutely void."

The question being upon the adoption of the amendments,

The yeas and nays were demanded:

The gentlemen voting in the affirmative were Messrs. Canniff, Clark, Dickerson, Graham of Nemaha, Hovey, Holaday, Irvin, Morrow, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Silvers, Vaile, Walters—15.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Danford, Finch, Graham of Doniphan, Hovey, Holmes, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Medill, Stevenson, Wright, Weider, Woodward—17.

Lost.

Mr. Roberts, of Leavenworth, moved to strike out the word "cousin" in the second section,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Clark, Graham of Nemaha, Holaday, Irvin, Mitchell, Morrow, Roberts of Leavenworth, Roberts of Bourbon, Scott, Silvers, Vaile, Walters—13.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Canniff, Curtiss, Danford, Dickerson, Finch, Graham of Doniphan, Holmes, Lewis, Lynde, Lockhart, McDowell, Marsh, Medill, Points, Stevenson, Townsend, Wright, Weider, Woodward—22.

Lost.

Mr. Roberts, of Leavenworth, moved to amend in section two, by inserting the word "first" before the word "cousin."

Carried.

The Bill, as amended, was then

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 9, "An Act to incorporate bodies corporate," was

Referred to a Select Committee, consisting of Messrs. Canniff, Lockhart and Scott.

Council Bill No. 126, "An Act regulating Ferries," was

Referred to a Select Committee, consisting of Messrs. Lockhart, Woodward and Weider.

House Bill No. 101, "An Act to establish a Ferry across the Arkansas river, where the Santa Fe road crosses," was amended by inserting ten years instead of twenty-one years in section —. The Bill was then

Read a second and third time and passed.

The title was agreed to.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 4, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bill No. 120, "An Act to incorporate the Town of Prairie City."

Also, House Bill No. 85, "An Act to locate the county seat of Allen County."

Also. House Bill No. 113, "An Act to incorporate the inhabitants of Baldwin City."

Also, House Bill No. 15, "An Act regulating elections."

House Bill No. 16, "An Act to provide for locating and working Highways."

Respectfully,

S. MEDARY.

House Bill No. 90, "An Act to establish a Ferry across the Big Blue river," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 126, "An Act to establish a Ferry across Solomon's Fork," was

Laid on the table.

House Bill No. 187, "An Act to establish a Toll Bridge across the Big Blue river," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 222, "An Act to establish a Ferry across Grasshopper creek, at its mouth," was

Referred to a Select Committee, consisting of Messrs. Townsend, Finch and Holaday.

House Bill No. 80, "An Act to establish a ferry across the Missouri river at Kickapoo," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 247, "An Act to incorporate the Kansas Central Telegraph Company," was taken up and pending its consideration, the House adjourned.

AFTERNOON SESSION.

TWO O'CLOCK.

House Bill No. 240, "An Act authorizing county boards of Supervisors, to issue county bonds, and for other purposes,"

On motion of Mr. McDowell, was so amended as to include the County of Atchison.

Mr. Lewis, from Judiciary Committee, submitted the following report:

The Judiciary Committee, to whom was referred Council Bill No. 106, "An Act exempting certain property from sale on execution or other process," report the same back with the following amendments, and recommend its passage:

AMENDMENTS.

Section one, line two, strike out "one hundred and sixty acres" and insert "eighty acres" for agricultural and horticultural purposes. Fourth line, strike out the words "the whole not exceeding in value one thousand dollars."

Also, Council Bill No. 127, "An Act concerning Lunatics and Habitual Drunkards."

Also Council Bill No. 104, "An Act concerning descents and distribution of personal property."

Report the same back and recommend their passage.

W. L. LEWIS, Chairman.

Adopted.

House Bill No. 106, "An Act exempting real estate from sale on execution and other process," was taken up.

Mr. Morrow offered the following amendment:

To strike out the words "one thousand dollars," wherever they occur, and all that relates, in the Bill, to the appraisements of the eighty acres of the town lot.

Carried.

Mr. Wright moved to make the exemption 160, instead of 80 acres of land.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Graham of Doniphan, Graham of Nemaha, Holmes, Irvin, Roberts of Bourbon, Scott, Stevenson, Townsend, Wright, Woodward—14.

The gentlemen voting in the negative were Messrs. Curtiss, Clark, Danford, Dickerson, Finch, Hovey, Holaday, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Points, Roberts of Leavenworth, Spriggs, Silvers, Weider, Walters—21.

Lost.

Mr. Wright offered the following amendment:

Sec. ——. Whenever a debtor has property, not exempt from execution, and it is levied on by execution, and he has not the articles exempt from execution, he may claim and hold any property of equal value, as exempt, in lieu of such as he may not have.

Lost.

On motion of Mr. Wright, the twelfth Section of the Bill was stricken out.

On motion of Mr. Mitchell, the time of the Act taking effect, was changed from "the first day of June next," to "from and after its passage."

The question being on the final passage of the Bill,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Canniff, Curtiss, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Irvin, Lewis, Lynde, Lockhart, Mitchell, Marsh, Morrow, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Spriggs, Townsend, Wright, Weider, Woodward—30.

The gentlemen voting in the negative wers Messrs. Clark, Finch, McDowell, Silvers, Vaile, Walters—6.

So the Bill passed.

The title was agreed to.

Messages from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 218, as a substitute for House Bill No. 218, in which your concurrence is respectfully requested.

I am also instructed by the Council to inquire of the condition of Council Bill No. 9. Your attention to the same is invited.

Also, passed House Bill No. 116.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Speaker—I am directed by the Council to inform your Honorable Body that the Council has passed House Bill No. 150, with the following amendment to the title:

After "Kansas," add "for the next Legislative Assembly," in which you are requested to concur.

Also, that the Council has passed the following concurrent resolution:

Resolved, By the Council, the House of Representatives concurring, that the 21st rule of the joint rules of the House and Council be and the same is hereby suspended for this session.

Your concurrence is solicited.

Also, passed House Bill No. 176.

A. SMITH DEVENNEY,
Secretary of the Council.

Mr. Canniff, from Select Committee on Council Bill No. 9, submitted the following report:

The Select Committee, to whom was referred Council Bill No. 9, "An Act to enable the Trustees of Colleges, Academies, Universities, and other institutions, societies and companies; to become bodies corporate," have considered the same and find it all right and recommend its passage.

H. J. CANNIFF, Chairman.

Council Bill No. 9, "An Act to enable Trustees of Colleges and other institutions, societies and companies, to become bodies corporate," was taken up.

The rules were suspended and the Bill was

Read a second and third time and passed.

The title was agreed to.

On motion of Mr. Danford, the House concurred in the amendments of Council to House Bill No. 150, "An Act for the apportionment of the Territory of Kansas."

House Bill No. 55, "An Act to incorporate the Bank of Leavenworth," was made the special order for seven o'clock this evening.

Mr. Branscomb, from Committee on Ways and Means, reported back Council Bill No. 99, "An Act for the payment and adjustment of claims," and recommended its passage.

Adopted.

Council Bill No. 127, "An Act concerning lunatics and common drunkards," was

Read a second and third time and passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council has concurred in the amendments made by the House of Representatives, to Council Bill No. 125.

Also, that the Council has passed House Bills Nos. 5, 209, 243, 223, 251, 124, 100, 198, 252, 215, 147, 210, 4.

Also, House Bill No. 242, with the following amendments:

In section thirty-six, strike out the words "where the offence was committed." Your concurrence is requested.

A. SMITH DEVENNEY,
Secretary of the Council.

Council Bill No. 104, "An Act concerning descents and distributions," was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

House Bill No. 242, "An Act to establish a code of civil procedure," was taken up, and

The House concurred in the amendments of the Council.

On motion of Mr. Roberts, of Bourbon, the House resolved itself into Committee of the Whole, upon House Bill No. 99, "An Act for the payment and adjustment of claims," Mr. Lockhart in the Chair.

After some time spent therein, the Committee arose, reported back the Bill and recommended its passage.

The House concurred.

The question being on the final passage of the Bill as amended;

The yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Canniff, Curtiss, Clark, Danford, Finch, Graham of Nemaha, Hovey, Holaday, Holmes, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Spriggs, Townsend, Wright, Woodward, Walters—29.

The gentlemen voting in the negative were Messrs. Bailey, Dickerson, Graham of Doniphan, Points, Silvers—5.

So the Bill passed.

The title was agreed to.

Mr. Barry, from Select Committee on Council Bill No. 102, submitted the following report:

Your Committee, to whom was referred Council Bill No. 102, having had the same under consideration, report the same back with the following amendments, and recommend its passage:

Section 7. After the expiration of the time allowed in this Act for transmitting of the abstracts to the several organized counties in this Territory, the books containing the records aforesaid, shall be handed over to the register of deeds of the county where in such office exists, and it shall be the duty of the register of deeds, whenever any new county shall be organized, to transmit the abstracts of such records, belonging to such counties, until the whole of such original records shall be transmitted.

Sec. 8. For making said abstracts, the districts recorders shall be entitled to receive the same pay as is now allowed by law to county recorders for recording such instruments; to be paid out of the Territorial treasury out of any moneys not otherwise appropriated.

Sec. 9. The district recorders, under the Act passed February 9th, 1858, shall attend at their respective offices during business hours, and shall discharge mortgages that may be paid off, that have been heretofore recorded under the provisions of this Act;

Sec. 3. Strike out the word "thirty," and insert "three months."

Sec. 10. This Act shall take effect and be in force from and after its passage.

Mr. Barry, from Select Committee on House Bill No. 146, submitted the following report:

The Committee, to whom was referred House Bill No. 146, an Act entitled "An Act to incorporate the Morris University at Doniphan," having had the same under consideration, beg leave to report the same back to the House with the following amendment, and recommend its passage:

In the last line of section nine, after the word "property," add the following:

Provided, the said corporation shall not at any one time hold more than six hundred and fifty acres of land.

ABRAHAM BARRY, Chairman.

Adopted.

Mr. Allison introduced House Bill No. 265, "An Act to submit the question of the location of the county seat of Doniphan county to the people."

Also, a petition from Joseph Haspsbury and two hundred and eighty-six others, for a law for that purpose.

Both of which were referred to Committee on Counties and County Lines.

Mr. Branscomb introduced House Bill No. 266, "An Act to provide for funding the indebtedness of the Territory."

Referred to Committee on Ways and Means.

Also, House Bill No. 267, "An Act to establish the township of Franklin."

Referred to Committee on Counties and County Lines.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body that the Council have concurred in the amendments of the House to Council Bill No. 125.

Also, that the Council have passed Council Bills Nos. 138 and 143, in which your concurrence is respectfully requested.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body, that the Council has adopted the House substitute for Council Bill No. 88.

Also, that the Council has passed Council Bills Nos. 133 and 147. Your concurrence is respectfully invited.

A. SMITH DEVENNEY,
Secretary of Council.

EVENING SESSION.

SEVEN O'CLOCK.

Mr. McDowell offered the following resolution:

WHEREAS, a gross fraud has been perpetrated on this House by some one, by attaching an additional section to House Bill No. 124, fraudulent in its provisions and intentions, after said Bill passed this House and the Council; therefore,

Reolved, That the enrolling clerk, Mr. Kingsley, in whose hands said Bill is at present, be required to return said Bill to this House forthwith.

Adopted.

On motion of Mr. McDowell, the chief clerk was instructed to bring the guilty party within the bar of this House.

Mr. McDowell offered the following resolution:

Resolved, That the Sergeant-at-Arms be required to request the immediate attendance, before this House, of the clerk of the Council, and the enrolling clerk, Mr. Kingsley, to give this House all the information in their power relative to the alteration of House Bill No. 126, after its passage.

Mr. Mitchell moved to amend by appointing a Select Committee of two to investigate the matter; which was accepted by the mover of the resolution.

The resolution, as amended, was adopted.

The Chair appointed on Select Committee Messrs. Danford and Roberts of Leavenworth.

Mr. Danford offered the following resolution:

Resolved, That all Bills of this House to be enrolled, shall be given by the clerk of the House to the Chairman of the Enrolling Committee, whose duty it shall be to see to their enrollment, and supervise the same.

Adopted.

House Bill No. 55, "An Act to incorporate the Bank of Leavenworth," was taken up.

18

Mr. Clark moved to amend by inserting the names of Samuel Harsh, J. W. Morris, T. J. Graham, M. E. Clark, in section 5, line three, after the name of H. P. Johnson. Carried.

Mr. Woodward moved to amend in section 4, line two, by striking out the word "thrice" and inserting "twice." Lost.

Mr. Morrow offered the following amendment:

SEC. 12. Whenever the directors of either bank shall deposit with the comptroller an amount of the State bonds of any interest paying State in the Union, or of the United States, equal in value to twenty-five thousand dollars, ($25,000,) at the current rates of the New York Stock Exchange, and shall satisfy said officer that they have on hand twenty-five hundred dollars ($2,500,) in specie, for the purpose of redeeming the circulating notes of the bank, then the comptroller shall countersign twenty-five thousand dollars, ($25.000,) of said circulating notes, and return them to the president for use; and it shall then be lawful for said bank to use said notes as currency, and commence and conduct the business of banking in all its departments and details; and whenever said bank shall thereafter deposit additional securities as above stated, and provide ten per cent. of their amount in specie, for purposes of redemption, then the comptroller shall countersign and return to said bank their circulating notes to an amount equal to the value of said additional securities; and in case said bank shall, at any time, issue its circulating notes without the signature of the comptroller as herein provided for, such act is hereby declared a penal offence, and shall be punishable by a fine equal to the amount of said issue, and imprisonment of the officers guilty of such offence, for such period as the law may direct.

On motion of Mr. Clark, the Bill was amended in section 4, line two, by inserting "gold and silver" after the words "paid in."

Mr. Roberts, of Bourbon, moved the previous question. Lost.

A call of the House was ordered, and thirty-four members answered to their names.

Further proceedings under the call were dispensed with.

The question then recurring on Mr. Morrow's amendment,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Branscomb, Bailey, Canniff, Curtiss, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Lewis, Lynde, Lockhart, Morrow, Points, Roberts of Leavenworth, Silvers, Townsend, Wright, Weider, Woodward—20.

The gentlemen voting in the negative were Messrs. Allison, Barry, Clark, Finch, Holaday, Holmes, Irvin, McDowell, Mitchell, Marsh, Medill, Roberts of Bourbon, Scott, Stevenson, Spriggs, Walters—16.

Carried.

Mr. Walters moved that the Bill be indefinitely postponed.

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Hovey, Holaday, Holmes, Irvin, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Points, Stevenson, Spriggs, Silvers, Townsend, Wright, Weider, Woodward, Walters —28.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Bailey, Graham of Nemaha, Lewis, Roberts of Leavenworth, Roberts of Bourbon, Scott—8.

So the Bill was indefinitely postponed.

W. R. Monteith appeared and was sworn in as Assistant Enrolling Clerk.

Adjourned.

B. P. AYERS, Clerk.

SATURDAY, February 5, 1859,
Nine o'clock A. M.

Prayer by the Chaplain.

James L. Ely appeared and took the oath of office as Assistant Enrolling Clerk.

Mr. Wright introduced House Bill 268, "An Act to authorize the Governor to employ counsel for such of our citizens as are now confined in jail in Platte county, Missouri."

The rules were suspended and the Bill was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 258, "An Act defining the boundaries of Douglas county," was

Referred to a Select Committee, consisting of Messrs. Wright, Scott and Points.

Mr. Wright moved to reconsider the vote by which House Bill No. 258 was so referred, and that that motion be laid on the table. Carried.

House Bill No. 126, "An Act to establish a ferry across Solomon's Fork," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 146, "An Act to locate the Morris University at Doniphan," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 149, "An Act to incorporate the Lawrence and Fort Union Railroad Company," was taken up.

Mr. Marsh moved that the Bill be indefinitely postponed. Lost.

On motion of Mr. Roberts, of Leavenworth, the Bill was amended in Sec. 6, by striking out "ten" and inserting "two."

The Bill was read a second and third time and passed.

The title was agreed to.

House Bill No. 191, "An Act to incorporate the South Platte River Water Company," was indefinitely postponed.

Mr. Lockhart, from Select Committee on Council Bill No. 126, submitted the following report:

The Select Committee to whom was referred Council Bill No. 126, entitled "An Act to regulate ferries," report the same back with an amendment, and recommend its passage.

Strike out the 11th section.

JOHN LOCKHART, Chairman.

Council Bill No. 126, "An Act to regulate ferries," was

Read a second and third time, the rules being suspended and passed.

The title was agreed to.

House Bill No. 207, "An Act to incorporate the Garnett Town Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 230, "An Act to incorporate the Bullion Bank of Leavenworth," was indefinitely postponed.

House Bill No. 232, "An Act providing for a special election for certain county officers," was taken up.

Mr. McDowell offered the following amendment:

That the term of office of the several officers who shall be elected under the provisions of this Act, shall commence on the fourth Monday of April, A. D. 1859, and the judge, clerk, canvassers and other officers of election, are hereby required to make the return of said election, and the Governor to issue commissions to the persons elected, so as to comply with the provisions of this Act.

Mr. Roberts, of Leavenworth, offered the following amendment to the amendment:

That no sum exceeding five hundred dollars shall be expended by the county tribunal of Shawnee county for the purchase or erection of county buildings, except upon estimate and apportionment made by such county tribunal, and approved by the vote by ballot of a majority of the votes of such county at the ensuing meeting for the election of township officers.

Carried.

The amendment as amended then prevailed.

The Bill as amended was read a second and third time and passed.

The title was agreed to.

House Bill No. 238, "An Act to locate the county seat of Calhoun county," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 244, "An Act to incorporate the Ohio City Association," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 246, "An Act to authorize D. W. Houston and others to maintain a ferry across the Marais de Cygnes at Ottawa Ford," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 247, "An Act to incorporate the Kansas Central Telegraph Company," was taken up.

On motion of Mr. Roberts, of Leavenworth, the Bill was amended by striking out "at or near" and inserting the words "at some point above the Kansas river."

The Bill as amended was then read a second and third time and passed.

The title was agreed to.

Council Bill No. ——, "An Act supplemental to an Act entitled 'An Act to organize the counties of Montana, El Paso, Broderick, Fremont and Oro,'" passed January, A. D. 1859, was taken up.

The rules were suspended, and the Bill was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 140, "An Act to establish a code of criminal procedure," was

Referred to the Committee on Judiciary.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council have passed Council Bills Nos. 140, 144, 153, 151, 148, 152, 154, 146, 150, 138, and Joint Resolutions No. 7, in which your concurrence is respectfully requested.

Also, that the Council have passed House Bills Nos. 268, 255, 217, 205, 201, 123, 250, 75, 260, 79, 233, 264, 261, 204, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Lewis, from the Judiciary Committee, submitted the following reports:

The Judiciary Committee, having examined Council Bill No. 12, "An Act authorizing actions to be brought in certain cases," report the same back and recommend the passage thereof.

Also, having examined Bills "An Act making valid contracts for the sale of improvements on public lands."

Also, "An Act to prevent certain trespasses."

Also, "An Act to prevent the firing of woods, marshes and prairies," and recommend the passage thereof.

W. L. LEWIS, Chairman.

Council Bill No. 12, "An Act to authorize actions to be brought in certain cases," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 269, "An Act for the collection of demands growing out of contracts for the sale of public lands," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 270, "An Act to prevent certain trespasses," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 271, "An Act to prevent the firing of woods, marshes and prairies," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 263, "An Act to incorporate the Leavenworth Fire and Marine Insurance Company," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 18, "An Act to locate, establish and construct a Territorial Road, from some point at or near Fort Riley to some point near the base of the Rocky Mountain," was taken up.

Mr. Wright moved to amend in section 2, by striking out the word "ten" and inserting the word "five." Carried.

Mr. Lewis moved to strike out the second section,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Curtiss, Dickerson, Lewis, Lockhart, Points, Spriggs, Silvers, Townsend, Vaile, Weider—10.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Clark, Danford, Graham of Doniphan, Graham of Nemaha, Hovey, Irvin, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts of Leavenworth, Scott, Stevenson, Wright, Walters—19.

Lost.

Mr. Vaile moved that the Bill be indefinitely postponed,

Upon which the gentlemen voting in the affirmative were Messrs. Canniff, Curtiss, Dickerson, Finch, Graham of Nemaha, Lewis, Lockhart, McDowell, Marsh, Medill, Points, Scott, Spriggs, Silvers, Townsend, Vaile, Weider—17.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Clark, Danford, Graham of Doniphan, Hovey, Holaday, Irvin, Lynde, Mitchell, Morrow, Roberts of Leavenworth, Stevenson, Wright, Woodward, Walters—17.

Lost.

Mr. Allison moved that the rules be suspendd and the Bill be read a second and third time,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Danford, Graham of Doniphan, Hovey, Holaday, Irvin, Lynde, Mitchell, Morrow, Roberts of Leavenworth. —12.

The gentlemen voting in the negative were Messrs. Canniff, Curtiss, Clark, Dickerson, Finch, Graham of Nemaha, Lewis, Lockhart, McDowell, Marsh, Medill, Points, Roberts of Bourbon, Scott, Spriggs, Silvers, Townsend, Vaile, Wright, Weider, Woodward, Walters—12.

Lost.

Council Bill No. 163, "An Act to divorce H. L. Holden and Josephine E. Holden," was

Read a second and third time and passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform your Honorable Body of the passage by the Council of Council Bill No. 165.

Also, passed Joint Resolutions No. 8, in which your concurrence is respectfully solicited.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 163, in which your concurrence is respectfully invited.

A. SMITH DEVENNEY,
Secretary of Council.

AFTERNOON SESSION.

Two o'clock.

Mr. Canniff, from the Committee on Counties and County Lines, submitted the following report:

The Committee on Counties and County Lines have considered the following Bills, and submit the following report:

House Bill No. 265, "An Act to submit the the question of locating the county seat of Doniphan County to a vote of the people," and recommend its passage.

House Bill No. 267, "An Act to establish the township of Franklin," without recommendation.

Council Bill No. 147, "An Act to change the Southern boundary of Johnson County," and recommend its passage.

H. J. CANNIFF, Chairman.

House Bill No. 265, "An Act to submit the question of permanently locating the county seat of Doniphan County, to a vote of the people," was taken up.

Mr. Wright offered the following amendment:

Section 2. That at said election the people shall vote on the name of said county; if a majority vote for Collins, the name shall be Collins; if a majority vote Doniphan, then the name shall be Doniphan.

Adopted.

The Bill was then read a second time.

Mr. Allison moved that the rules be suspended and the Bill put upon its third reading,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Canniff, Curtiss, Danford, Finch, Hovey, Holaday, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Points, Roberts of Leavenworth, Scott, Spriggs, Silvers, Vaile, Wright, Weider, Walters—24.

The gentlemen voting in the negative were Messrs. Dickerson, Graham of Doniphan, Graham of Nemaha, Morrow, Stevenson—5.

The question being "Shall the Bill pass?"

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Canniff, Clark, Danford, Finch, Hovey, Holaday, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Spriggs, Silvers, Vaile, Wright, Weider, Walters—26.

The gentlemen voting in the negative were Messrs. Dickerson, Graham of Doniphan, Graham of Nemaha, Morrow, Stevenson—5.

So the Bill passed.

The title was agreed to.

Mr. Barry moved to reconsider the vote whereby House Bill No. —, "An Act defining the boundaries of Doniphan county," was indefinitely postponed. Lost.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 155, in which your concurrence is requested.

Also, that the Council has passed House Bills Nos. 237 and 259, with the following

AMENDMENTS:

In No. 259, Section 1, strike out the words "County Commissioners," and insert "Supervisors."

After the word "Sheriff," the words "together with such other officers as are provided for by law."

In House Bill No. 237, add to the first Section as follows:

Provided, further, That after the first day of January, A. D. 1865, the county authorities of the county in which such bridge may be situated, may terminate the rights and privileges hereby granted, by purchasing said bridge at a fair value, the same to be fixed by appraisers, appointed, one by the said county tribunal, one by the owners of said bridge, and the third to be selected by them jointly; and *provided, further*, that in case no such purchase shall be made by the said county authorities, the said Board transacting county business, may, at their discretion, reduce said rates of toll, not to exceed fifty per cent.

Also, That the Council has concurred in the amendments offered by the House of Representatives to Council Bill No. 126, "An Act regulating ferries."

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Branscomb, from Committee on Ways and Means, reported back Council Bills Nos. 123 and 134, recommending their passage.

Mr. Finch introduced House Bill No. 274, "An Act to establish a ferry across Grasshopper Creek, at or near the mouth."

Referred to Committee on Roads.

Mr. Lewis, from Judiciary Committee, submitted the following report:

The Judiciary Committee, having examined "An Act providing for the appointment of the Territorial Auditor, and prescribing the duties of his office."

Also, "An Act providing for the appointment of a Territorial Treasurer, and providing for the duties of his office."

Report the same to the House, and recommend the passage thereof.

W. L. LEWIS, Chairman.

Honse Bill No. 273, "An Act to provide for a Territorial Auditor, and to prescribe duties for the same," was

Read a second and third time and passed.

The title was agreed to.

Mr. Townsend, from Select Committee on House Bills Nos. 222 and —, submitted the following report:

The Select Committee, to whom was referred House Bill No. 222, "An Act to establish a ferry at or near the mouth of Grasshopper River."

And House Bill No. —, "An Act to charter a ferry across the Grasshopper Creek,"

Would report that they have had said Bills under examination, and report House Bill No. 222 without recommendation, and recommend the passage of House Bill No. —.

P. H. TOWNSFND,
FINCH,
HOLADAY.

Adjourned.

B. P. AYERS, Clerk.

MONDAY, FEBRUARY 7, 1859,
NINE O'CLOCK, A. M.

Prayer by the Chaplain.

The Journal of Saturday's proceedings was read and approved.

Mr. Lewis presented a petition from John Grigell and thirty others, for a law providing for the jurisdiction of Justices of the Peace.

Referred to Committee on Judiciary.

Mr. Roberts, of Leavenworth, presented a petition from S. T. Shores and fifty-one others, for a change in the boundaries of Douglas county.

Referred to Committee on Counties and County Lines.

Mr. Vaile presented a petition from Thos. C. Palmer and sixty others, for a Territorial road.

Referred to Committee on Public Roads.

Mr. McDowell, from the Committee on Corporations and Banking, submitted the following report:

The Committee on Banking and Corporations, having had under consideration Council Bills No. 146, entitled "An Act incorporating the El Paso Town Company."

No. 152, entitled "An Act incorporating Topeka Lodge of Ancient Free and Accepted Masons."

No. 138, entitled "An Act incorporating the Humboldt Bridge Company,"

Beg leave to report the same to the House, for its action.

JAMES L. McDOWELL, Chairman.

The Committee on Banking and Corporations, having had under consideration Council Bill No. 153, entitled "An Act to incorporate the Stranger River Bridge Company," beg leave to recommend the passage of the same, as amended.

AMENDMENT:

Sec. 1. In first and second lines insert the words "Wm. H. Russell and J. C. Hemingray."

The Committee on Banking and Corporations, having had under consideration Council Bill No. 144, entitled "An Act incorporating the city of Minneola," beg leave to report that owing to the very indefinite manner in which the boundaries of said city are defined in this Bill, we report it to this House for its action, without recommendation.

JAMES L. McDOWELL, Chairman.

Mr. Lewis, from Committee on Judiciary, submitted the following report:

The Committee on Judiciary, having had under consideration Council Bills No. 150, "An Act relative to fugitives from justice from other Territories or States."

No. 151, "An Act to define the duties of Justices of the Peace, in cases of breaches of the Peace."

No. 148, "An Act respecting convicts."

House Bill No. —, "An Act for the maintenance and support of illegitimate children."

House Bill No. —, "An Act authorizing the Council and House of Representatives to punish for contempt, and for other purposes,"

Report the same back and recommend their passage.

Also, Council Bill No. 140, "An Act to establish a Code of Civil Procedure, report the same back with the following amendments, recommending its passage:

AMENDMENTS.

Chapter 3, Sections 20 and 21, change the word "seven," wherever it occurs, to "three," so it shall read "three years" instead of "seven years."

Title 8, Chapter 1st, strike out from Section 155 to 183 inclusive.

Also, strike out from Section 489 to 498 inclusive.

W. S. LEWIS, Chairman.

Mr. Lynde, from Committee on Public Roads, submitted the following report:

The Committee on Public Roads, having had House Bill No. 264, entitled "An Act to authorize two ferries at the mouth of the Solomon's Fork of Smoky Hill river," under consideration, report the same back and recommend its passage.

EDWARD LYNDE, Chairman.

Mr. Spriggs, from the Committee on Education, submitted the following reports:

The Committee to whom was referred Council Bill No. 30, entitled "An Act to purchase copies of Webster's Unabridged Dictionary for the use of the public schools of Kansas Territory," having had the same under consideration, report the same back and recommend its passage.

W. SPRIGGS, Chairman.

The Committee to whom was referred Council Bill No. 133, entitled "An Act to incorporate the Burlingame Seminary and Female Collegiate Institute," having had the same under consideration, would report the same back with the following amendments, and recommend its passage.

AMENDMENTS.

First, Enacting Clause: "Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas."

Second, After the words "real estate" insert the words "three hundred and twenty acres."

W. SPRIGGS, Chairman.

Mr. Bailey, from Select Committee on House Bill No. 38, submitted the following report:

The Select Committee, to whom was referred House Bill No. 38, entitled "An Act to locate the county seat of Marshall county," having had the same under consideration, report the same back without amendment, and recommend its passage.

L. D. BAILEY, Chairman.

House Bill No. 38, "An Act to provide for the location of the county seat of Marshall county," was

Read a second and third time and passed.

The title was agreed to.

Mr. Wright moved that the Governor be requested to return House Bill No. 240 to this House. Carried.

Council Bill No. 140, "An Act to establish a Code of Civil Procedure," was taken up.

The question being on the first amendment proposed by the Judiciary Committee, viz: to strike out from Section 155 to Section 183 inclusive, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Canniff, Danford, Dickerson, Graham of Nemaha, Irvin, Lewis, Marsh, Points, Scott, Stevenson, Spriggs, Silvers, Vaile, Wright, Weider—16.

The gentlemen voting in the negative were Messrs. Allison, Branscomb, Bailey, Curtiss, Clark, Finch, Graham of Doniphan, Holaday, Lynde, Lockhart, McDowell, Mitchell, Morrow, Roberts of Leavenworth, Townsend, Woodward, Walters—17.

Lost.

On motion of Mr. Roberts of Leavenworth, the votes whereby House Bill No. 240 was passed, and the title was agreed to, were reconsidered.

On motion of Mr. Roberts, of Leavenworth, the Bill was amended in the second section, by striking out the word "prevent" and inserting the word "authorize."

The Bill as amended was then passed.

The title was agreed to.

Council Bill No. 240, was again taken up.

Mr. Wright moved to amend by striking out Section 470,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Spriggs, Wright—2.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Irvin, McDowell, Mitchell, Morrow, Medill, Roberts of Leavenworth, Roberts of Bourbon, Silvers, Townsend, Weider, Woodward, Walters—25.

Lost.

Mr. Lewis offered the following amendment to Section 179:

"This Act shall not be so construed as to authorize arrest or imprisonment in civil actions commenced in any court in this Territory,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Canniff, Danford, Graham of Nehama, Hovey, Irvin, Lewis, Lynde, McDowell, Marsh, Points, Scott, Stevenson, Spriggs, Vaile, Wright—16.

The gentlemen voting in the negative were Messrs. Allison, Branscomb, Bailey, Curtiss, Clark, Dickerson, Finch, Graham of Doniphan, Holaday, Lockhart, Mitchell, Morrow, Medill, Roberts of Leavenworth, Roberts of Bourbon, Silvers, Townsend, Weider, Woodward, Walters—20.

Lost.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform your Honorable Body that the Council have passed Council Bill No. 75, "An Act to abolish and prohibit slavery in Kansas Territory," as a substitute for House Bill No. 77 on the same subject, in which your concurrence is respectfully solicited.

Also, that the Council has passed House Bill No. 238, "An Act to locate the county seat of Calhoun County."

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 7, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bills Nos. 136, 65, 252, 50, 193, 121. 119, 172, 94, 233, 185, 243, 150 and 179.

Respectfully,
S. MEDARY.

Message from the Council:

MR. SPEAKER—The Council has concurred in amendments of House of Representatives to House Bill No. 240.

A. SMITH DEVENNEY,
Secretary of the Council.

MR. Canniff, from the Committee on Enrolled Bills, submitted the following reports:

The Joint Enrolling Committee have examined the following Bills and find them correctly enrolled:

No. 150, "An Act to define and establish the Council and Representative Districts for the Territory of Kansas, for the next Legislative Assembly."

No. 243, "An Act regulating oaths and prescribing the form of oaths of officers."

No. 172, "An Act to establish certain Territorial roads."

No. 252, "An Act providing for the appointment of Commissioners to take depositions in other Territories and States."

No. 240, "An Act to authorize the Board of Supervisors of Leavenworth, Douglas, Wyandott. Johnson and Lykins counties to issue county bonds, and for other purposes."

No. 193, "An Act regulating proceedings on writs of *Habeas Corpus*."

No. 121, "An Act to charter a ferry across the Republican fork."

No. 119, "An Act to establish certain Territorial roads."

No. 179, "An Act to incorporate the Americus Town Company."

No. 94, "An Act to incorporate the Pike's Peak Express Company."

No. 65, "An Act to incorporate Grace Church, in the city of Atchison."

No. 185, "An Act to charter a bridge across Soldier Creek at Indianola."

No. 50, "An Act to incorporate the Salina Town Company."

No. 233, "An Act to enable the Board of Managers of Prairie City Association to collect its assessments."

H. J. CANNIFF, Chairman.

The Joint Committee on Enrollment have examined the following Bills, and find them correctly enrolled:

House Bill No. 251, "An Act relating to the authentication of statutes, records, office papers, &c."

House Bill No. 203, "An Act providing a charter for the Home Association in Home Town, Nemaha county, K. T."

House Bill No. 215. "An Act to incorporate the Leavenworth Literary Association."

House Bill No. 192, "An Act to incorporate the town of Hickory Point."

House Bill No. 144, "An Act to incorporate the city of Ogden."

House Bill No. 147, "An Act to incorporate the Scientific and Historical Society of Kansas."

House Bill No. 91, "An Act to charter the Spring Hill Cemetery Association."

House Bill No. 19, "An Act to incorporate the city of Eudora."

House Bill No. 218, "An Act to provide for the location of the county seat of Anderson county."

House Bill No. 268, "An Act to authorize the Governor to employ counsel to defend such of our citizens as are now confined in jail in Platte county, Mo."

House Bill No. 123, "An Act to amend 'An Act to incorporate the city of Osage.'"

House Bill No. 204, "An Act to amend an Act entitled 'An Act to establish a ferry at the town of Atchison in the Territory of Kansas.'"

House Bill No. 5, "An Act amendatory to the city charter of Elwood."

House Bill No. 20, "An Act to incorporate the city of Sumner."

House substitute for Council Bill No. 88, "An Act to merge the town government of the town of Leavenworth in the city government of the city of Leavenworth; also, to amend an Act incorporating said city."

House Bill No. 4, "An Act to establish and charter a ferry at the city of Elwood, and for revising and repealing all former charters and parts of charters relating to such ferry."

House Bill No. 1, "An Act to incorporate St. Paul's Protestant Church, Wyandott, Kansas."

House Bill No. 214, "An Act to locate the county seat of Bourbon county."

House Bill No. 2, "An Act to incorporate and establish the Missouri Valley University, at Wyandott."

House Bill No. 68, "An Act to incorporate the Monrovia Town Company."

House Bill No. 84, "An Act to establish a ferry at Humboldt, Allen county."

House Bill No. 89, "An Act to incorporate the town of Merrimac."

House Bill No. 100, "An Act to establish a ferry across the Arkansas river, at or near the mouth of the Fontaine que Boulle, in Arrappahoe county, in the Territory of Kansas."

House Bill No. 116, "An Act to charter a ferry across the South Platte river."

House Bill No. 162, "An Act to incorporate the Farmington Town Company."

House Bill No. 171, "An Act relating to minors."

House Bill No. 176, "An Act for the relief of the Kansas River Bridge Company."

House Bill No. 198, "An Act to incorporate the Miami Town Company."

House Bill No. 209, "An Act to incorporate the Kansas and Missouri Stage Company."

House Bill No. 210, "An Act to change the name of Robert Peet to Robert B. Wilson."

House Bill No. 223, "An Act to provide for raising a tax in Pottowottomie county."

House Bill No. 264, "An Act to incorporate the Trinity Church at Lawrence."

House Bill No. 217, "An Act to incorporate the village of Oskaloosa."

House Bill No. 257, "An Act to declare certain Military Roads Territorial Roads.

House Bill No. 260, "An Act to incorporate the University of Monrovia."

House Bill No. 79, "An Act to incorporate the Lecompton Bridge Company."

House Bill No. 75, "An Act to authorize the Governor of Kansas Territory to offer rewards in certain cases."

House Bill No. 201, "An Act to incorporate the Osawatomie Bridge Company."

House Bill No. 250, "An Act to relieve the Firemen of the city of Leavenworth."

House Bill No. 261, "An Act legalizing the election of certain county officers in Doniphan county, Kansas Territory."

House Bill No. 255, "An Act concerning guardians and wards."

The above Bills have been presented to the Governor for his consideration.

H. J. CANNIFF, Chairman.

On motion of Mr. Branscomb, the House refused to concur in the substitute of Council for House Bill No. 79, "An Act abolishing and prohibiting slavery," and voted to insist on the original Bill.

Mr. Roberts, of Leavenworth, offered the following resolution:

Resolved, That the Council be and it is hereby requested to furnish to this House, another engrossed copy of Council Bill No. 110, the one reported to the House being lost.

Adopted.

Mr. Curtiss introduced House Bill No. 278, "An Act to incorporate the Kansas Agency."

Referred to Committee on Corporations and Banking.

Mr. Holaday introduced House Bill No. 279, "An Act to build a bridge across the Grasshopper river in Atchison county."

Referred to Committee on Public Roads.

Mr. Stevenson introduced House Bill No. 280, "An Act to define the boundaries of Coffey county."

Referred to Committee on Counties and County Lines.

On motion of Mr. Danford, the special order for ten o'clock to-day, was made the special order for ten o'clock Tuesday.

On motion of Mr. Scott, the vote whereby the House Bill No. 230, "An Act to incorporate the Leavenworth Bullion Bank," was indefinitely postponed, was reconsidered.

Mr. Mitchell introduced House Bill No. 281, "An Act attaching Wise county to the Twentieth Council District," the Bill was

Read a second and third time and passed.

The title was agreed to.

Mr. McDowell introduced House Bill No. 282, "An Act to incorporate the First United Presbyterian Congregation of Leavenworth City."

Referred to Committee on Corporations and Banking.

Mr. Dickerson introduced House Bill No. 283, "An Act to incorporate the Arkansas and Smoky Hill Fork Water Power Company."

Referred to Committee on Corporations and Banking.

Mr. Wright introduced House Bill No. 284, "An Act supplemental to the Act incorporating the city of Quindaro," which was

Read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 285, "An Act making appropriations for the year 1859," was taken up.

The House resolved itself into a Committee of the Whole thereupon, Mr. Mitchell in the chair.

After some time spent therein, the Committee arose, reported back the Bill and asked leave to sit again.

Leave was granted.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body that the Council has passed Council Bills Nos. 158, 149, 161, 159, 94, 156, 166, 116, in which your concurrence is requested.

Also, House Bills Nos. 156, 132, 187, 269, 263, 220, 149, 246, 271, without amendment.

A. SMITH DEVENNEY,
Secretary of the Council.

AFTERNOON SESSION.

Two o'clock.

On motion of Mr. Roberts, of Leavenworth, the House resolved itself into Committee of the Whole, upon House Bill No. 235, "An Act making appropriations for the expenses of the Territory of Kansas for 1859," Mr. Scott in the chair.

After some time spent therein, the committee arose and report back the Bill with amendments, recommending its passage.

Mr. Vaile moved to amend in section one, line nine, by striking out the names of Robert Morrow, C. H. Branscomb and J. M. Winchell, and the appropriation made to them,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Vaile and Walters—2.

The gentlemen voting in the negative were Messrs. Allison, Barry, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Spriggs, Silvers, Townsend, Wright, Weider, Woodward—30.

Lost.

The Bill as amended, was—

Read a second and third time and passed.

The title was agreed to.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 7, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bills Nos. 240, 250, 268, 79, 257, 210, 1, 84, 123, 198, 75, 2, 116, 204, 4, 215, 144, 100, 214, 89, 68, 176, 218 and 147.

Respectfully,
S. MEDARY.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council have passed Council Bill No. 176, in which your concurrence is requested.

Also, that the Council have passed House Bill No. 284.

A. SMITH DEVENNEY,
Secretary of Council.

House Bill No. 256, "An Act to establish certain Territorial Roads," was taken up.

Mr. Vaile moved that it be indefinitely postponed,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Curtiss, Clark, McDowell, Morrow, Roberts of Leavenworth, Scott, Townsend, Vaile, Wright, Woodward, Walters—12.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Canniff, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Irvin, Lynde, Lockhart, Mitchell, Marsh, Medill, Points, Roberts of Bourbon, Stevenson, Spriggs, Silvers, Weider—24.

Mr. Points moved to amend by adding a section, establishing a road from Louisville to America, in Pottowattomie county, and naming as commissioners A. K. Johnson, F. Maguire, Lewis Hoover. Carried.

The question being on the suspension of the rules to put the Bill upon its third reading,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Canniff, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Irvin, Lockhart, Mitchell, Marsh, Points, Roberts of Bourbon, Spriggs, Silvers, Wright, Weider—21.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Curtiss, Clark, Lynde, McDowell, Morrow, Medill, Roberts of Leavenworth, Scott, Stevenson, Townsend, Vaile, Woodward, Walters—15.

Carried.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform your Honorable Body that the Council has passed House Bill No. 265, without amendment.

Also, that the Council has concurred in the House amendments to Council Bill No. 140.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Morrow offered the following resolution:

Resolved, That the House now proceed to the election of a Commissioner under the provisions of "An Act for the payment and adjustment of claims," which election shall be by ballot, and the person receiving the highest number of votes, being a majority of all the votes cast, shall be declared elected.

Mr. Marsh moved an amendment, to make the election of Commissioner the special order for nine o'clock, A. M., Wednesday. Carried.

The resolution as amended was adopted.

House Bill No. 266, "An Act providing for the indebtedness of the Territory," was taken up.

Mr. Branscomb moved to fill the blank in Section one, seventh line, by inserting "the first day of September;" also, in Section fifth, first line, by inserting "$500;" also Section six, lines third and fourth, by inserting "the first day of September."

All of which were carried.

Mr. Bailey moved to amend by striking out in Section twelve, line three, "all after 1857" to "the claims," in fifth line,

Pending which, the House took a recess.

EVENING SESSION.

SEVEN O'CLOCK.

On motion of Mr. Vaile, House Bill No. 266, was

Referred to a Select Committee, consisting of Messrs. Bailey, Barry, Scott, Danford and McDowell.

Mr. Wright moved a reconsideration of the resolution whereby the election of a Commissioner to audit claims, was made the special order for Wednesday at ten o'clock. Carried.

Mr. McDowell moved that the election of Commissioner be made the special order of Tuesday at eleven o'clock, A. M.

The yeas and nays being called for,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Bailey, Clark, Dickerson, Graham of Doniphan, Holaday, Holmes, Lewis, Lynde, McDowell, Marsh, Medill, Stevenson, Vaile—15.

The gentlemen voting in the negative were Messrs. Canniff, Curtiss, Danford, Finch, Graham of Nemaha, Irvin, Lockhart, Morrow, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Spriggs, Silvers, Wright, Weider, Woodward, Walters—19.

Lost.

On motion of Mr. Wright, the Sergeant-at-Arms was ordered to clear the lobbies, and a call of the House was ordered.

Thirty-six members answered to their names.

On motion of Mr. Roberts, of Leavenworth, further proceedings under the call were dispensed with, and

The House proceeded to vote for Commissioner.

Messrs. Clark and Wright being appointed Tellers, after an informal ballot, the House proceeded to the

FIRST BALLOT.

Whole number of votes given,	37
G. W. Deitzler had	13
T. H. Butler,	8
S. L. Norris,	12
James Blood,	2
J. B. Wheeler,	2

No election.

SECOND BALLOT.

Whole number of votes given,	38
S. L. Norris had	13
James Blood,	12
T. H. Butler,	9
G. W. Deitzler,	1
J. B. Wheeler,	3

No election.

THIRD BALLOT.

Whole number of votes given,	38
S. L. Norris had	15
James Blood,	13
T. H. Butler,	8
J. B. Wheeler,	2

No election.

FOURTH BALLOT.

Whole number of votes given,	37
S. L. Norris had	16
James Blood,	12
T. H. Butler,	16

No election.

FIFTH BALLOT.

Whole number of votes given,	38
S. L. Norris had	15
James Blood,	13
T. H. Butler,	10

No election.

SIXTH BALLOT.

Whole number of votes given,	37
S. L. Norris had	13
James Blood,	12
T. H. Butler,	12

No election.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council has passed House Bill No. 189, with the following amendment:

In Section one, after "Charles Nichols," insert "Edward W. Wynkoop, William Larimer, Jr., Charles Lawrence, William Hartley, Jr., Lloyd Nichols." Your concurrence is invited.

A. SMITH DEVENNEY,
Secretary of Council.

Adjourned.

B. P. AYERS, Clerk.

TUESDAY, February 8, 1859,
Nine o'clock A. M.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read and approved.

On motion of Mr. Bailey, the special order for the hour was made the special order for 9 A. M. to-morrow.

Council Bill No. 4, "An Act organizing and temporarily locating the county seat of Wabonsa county," was taken up and

Read a second time.

The rules being suspended, the Bill was

Read a third time and passed.

The title was agreed to.

House Bill No. 70, "An Act to incorporate the Wabonsa Town Company," was

Read a second time.

The rules being suspended, the Bill was

Read a third time and passed.

The title was agreed to.

Council Bill No. 93, "An Act to incorporate the Atchison Fire and Marine Insurance Company," was

Read a second time.

The rules being suspended, the Bill was

Read a third time and passed.

The title was agreed to.

Mr. Canniff, from Committee on Counties and County Lines, submitted the following report:

The Committee on Counties and County Lines, have had under consideration House Bill No. 280, entitled "An Act defining the boundary of Coffey county;"

Council Bill No. 138, "An Act changing the boundaries of certain counties," and

Report the same back to the House without recommendation.

H. J. CANNIFF, Chairman.

Mr. Lynde, from the Committee on Public Roads, submitted the following report:

The Committee on Public Roads having had House Bill No. 241 under consideration, entitled "An Act to authorize A. R. Morton and others to build a bridge across the Pawnee Fork of the Arkansas river," report the same back and recommend that it lie on the table.

Also, Council Bill No. 156, "An Act to establish a ferry at Wabonsa," and recommend its passage.

Also, Council Bill No. 116, and recommend its passage.

Also, House Bill No. 279, "An Act to build a bridge across the Grasshopper river in Atchison county, and recommend its passage.

EDWARD LYNDE, Chairman.

The Committee on Public Roads having had House Bill No. 248 under consideration, report the same back and recommend its passage.

EDWARD LYNDE, Chairman.

The Committee on Public Roads having considered House Bills Nos. 274 and 225; also, Council Bills Nos. 19, 113, 25, 26, and the petition of Milo Carlton and twenty-seven others on the subject of a road, recommend that they lie on the table.

EDWARD LYNDE, Chairman.

Mr. McDowell, from Committee on Corporations and Banking, submitted the following report:

The Committee on Banking and Corporations having had under consideration House Bill No. 282, entitled "An Act to incorporate the First United Presbyterian Congregation of Leavenworth city;"

Council Bill No. 175, entitled "An Act to amend 'An Act to incorporate the city of Atchison,'"

Beg leave to report that they would recommend the passage of the same.

JAMES L. McDOWELL, Chairman.

Mr. Scott introduced House Bill No. 285, "An Act amendadatory to an Act entitled 'An Act to establish a Code of Civil Procedure."'

The Bill was read a second time.

The rules were suspended, and the Bill was

Read a third time and passed.

The title was agreed to.

Mr. Dickerson introduced House Bill No. 286; "An Act authorizing A. R. Morton and others to build bridge and ferry across Walnut creek."

Referred to Committee on Public Roads.

House Bill No. 256, "An Act to establish certain Territorial roads," made the special order for 7 o'clock this evening.

House Bill No. 275, "An Act providing for a Territorial Treasurer, and prescribing the duties of his office," was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

House Bill No. 276, "An Act to authorize the Council and House of Representatives to punish for contempt and for other purposes," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 277, "An Act for the maintenance and support of illegitimate children," was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

Council Bill No. 148, "An Act respecting counties," was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

Council Bill No. 150, "An Act relative to fugitives from justice," was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

Council Bill No. 151, "An Act to define the duties of justices of the peace in cases of breach of the peace," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 30, "An Act to purchase copies of Webster's Unabridged Dictionary for the use of the Public Schools in this Territory," was taken up.

Mr. Bailey moved that the Bill be indefinitely postponed,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Bailey, Curtiss, Danford, Dickerson, Finch, Graham of Nemaha, Hovey, Holaday, Lynde, Lockhart, Mitchell, Morrow, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Silvers, Townsend, Vaile, Wright, Weider, Woodward, Walters —25.

The gentlemen voting in the negative were Messrs. Allison, Canniff, Clark, Irvin, McDowell, Marsh, Stevenson, Spriggs—8.

So the Bill was indefinitely postponed.

Mr. Roberts, of Bourbon, offered the following resolution:

Resolved, That the Judiciary Committee be discharged from further duty on Council Bill No. 165, and that the Committee be required to report the Bill back to this House forthwith.

Adopted.

Council Bill No. 133, "An Act to incorporate the Burlingame Seminary and Female Collegiate Institute," was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

Mr. Bailey introduced House Bill No. 287, "An Act locating the county seat of Madison county."

Referred to Committee on Counties and County Lines."

Also, a petition from L. W. Comb and one hundred and thirty others for the same.

Council Bill No. 161, "An Act to incorporate the South Palermo Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 221, "An Act to authorize A. M. Blackledge and others to build a bridge," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 249, "An Act to incorporate the Town Company of Grenada," was taken up

The rules were suspended, and the Bill was

Read a second and third time and passed.

House Bill No. 258, "An Act defining the boundaries of Douglas county," was taken up.

The question being "Shall the Bill pass ?"

The gentlemen voting in the affirmative were Messrs. Allison, Canniff, Curtiss, Clark, Hovey, Lockhart, Morrow, Roberts of Leavenworth, Townsend, Wright—10.

The gentlemen voting in the negative were Messrs. Barry, Bailey, Finch, Graham of Doniphan, Graham of Nemaha Holmes, Holaday, Irvin, Lewis, Mitchell, Marsh, Medill, Roberts of Bourbon, Scott, Stevenson, Silvers, Weider, Woodward, Walters—19.

Lost.

Council Bill No. 68, "An Act organizing and temporarily locating the County Seat of Weller county," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 76, "An Act to fix permanently the County Seat of Johnson county." was taken up

The rules were suspended, and the Bill was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 86, "An Act to incorporate the De Soto Bridge Company," was taken up.

On motion of Mr. Woodward, the Bill was amended, in Section 1, line —, by striking out "two miles," and inserting "one mile."

On motion of Mr. Lewis, it was amended, in Section 4, line —, by striking out "three years," and inserting "one year."

On motion of Mr. Clark, it was amended, in Section 4, line —, by inserting the words "said bridge shall be completed within three years."

Mr. Vaile offered the following amendment to Section —:

"That the tribunal transacting county business, for the county or counties, shall fix the rate of toll."

Carried.

The Bill, as amended, was read a third time and passed.

The title was agreed to.

Mr. Canniff, from Committee on Enrollment, submitted the following report:

The Joint Committee on Enrollment, have examined the following Bills, and find them correctly enrolled, and have presented the same to the Governor:

House Bills No. 242, "An Act to establish a code of criminal procedure."

No. 220, "An Act to incorporate the Osawatomie Ferry Company."

No. 182, "An Act incorporating the Montana Town Company."

No. 149, "An Act to incoporate the Leavenworth and Fort Union Railroad Company ?"

No. 263, "An Act to incorporate the Leavenworth Fire and Marine Insurance Company."

No. 181, "An Act to incorporate the Robinson Town Company."

No. 271, "An Act to prevent the firing of woods, marshes and prairies."

No. 269, "An Act making valid contracts for the sale of improvements on public lands."

No. 205, "An Act incorporating the Town of Highland."

No. 164, "An Act to incorporate the Council Grove Town Company."

No. 238, "An Act to locate the County Seat of Calhoun county."

No. 105, "An Act to entitle Nehemiah Sage to establish a ferry across the Kansas River."

No. 132, "An Act relating to contract and promises."

No. 284, "An Act supplemental to an Act incorporating the city of Quindaro."

No. 246, "An Act to authorize ——— Houston, and others, to keep a ferry across the Marias de Cygnes, at Ottawa Ford."

No. 156, "An Act to authorize the Sheriffs of the several counties, to serve certain processes."

No. 187, "An Act to establish a toll bridge across Big Blue river."

No. 135, "An Act to charter a ferry across the Neosho River."

No. 175, "An Act to incorporate Junction City."

H. J. CANNIFF, Chairman.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform the House of Representatives that the Council has passed Council Bill No. 75, "An Act to ~~abolish and~~ prohibit slavery in the Territory of Kansas." Your concurrence is solicited.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Branscomb, from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means, having had House Bill No. 272 and Council Bill No. 94, under consideration, report the same back and recommend their passage.

C. H. BRANSCOMB, Chairman.

House Bill No. 272, "An Act to amend an Act entitled "An Act to provide for the assessment and collection of taxes," was

Read a second time.

On motion of Mr. Hovey, the Bill was amended in section —— line ——, by making the rate of interest upon —— fifteen per cent. per annum.

The Bill as amended, was

Read a third time and passed.

The title was agreed to.

Council Bill No. 114, "An Act to incorporate the Atchison and Pike's Peak Railroad Company," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 130, "An Act incorporating the Atchison and Topeka Railroad Company," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 36, "An Act confirming the location of certain county seats," was taken up.

On motion of Mr. Roberts, of Bourbon, the Bill was amended by striking out all that part relative to Woodson county.

Mr. Barry moved to amend by striking out all that part relative to Coffey county.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison-Barry, Danford, Dickerson, Finch, Graham of Doniphan, Holaday, Holmes, Irvin, Lynde, Stevenson, Silvers, Wright, Woodward—14.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Canniff, Curtiss, Clark, Graham of Nemaha, Hovey, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Townsend, Vaile, Weider, Walters—21.

Lost.

Mr. Lynde moved to amend in Sec. —, line ——, by striking out "Burlington" and inserting "Leroy,"

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Finch, Graham of Doniphan, Holaday, Holmes, Irvin, Lynde, Stevenson, Silvers—10.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Graham of Nemaha, Hovey, Lewis, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Townsend, Vaile, Wright, Weider, Woodward, Walters—26.

Lost.

Mr. Roberts, of Bourbon, moved to amend in Sec. —, line ——, by striking out the word "permanently" and inserting the word "temporarily." Carried.

Mr. Woodward offered the following amendment:

That the permanent locating of the county seat be submitted to a vote of the citizens, and the place having a majority of all the votes cast in said county, shall and is hereby declared to be the county seat; said election to be held on the fourth Monday of March next.

Lost.

Mr. Bailey offered the following amendments:

The name of Coffey county is hereby changed to Neosho county.

Strike out "February" and insert "March," in the last section.

Carried.

Mr. Finch moved to amend in Sec. —, line —, by inserting the words "the county seat of ——— county shall remain at Leroy until a vote of the people can be had." Lost.

Mr. Branscomb moved the previous question.

The question being, "Shall the main question now be put?"

The gentlemen voting in the affirmative were Messrs. Curtiss, Clark, Danford, Graham of Nemaha, Lewis, Lockhart, McDowell, Mitchell, Marsh, Medill, Roberts of Leavenworth, Roberts of Bourbon, Scott, Townsend, Weider—16.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Bailey, Finch, Graham of Doniphan, Hovey, Holaday, Holmes, Irvin, Lynde, Morrow, Points, Stevenson, Silvers, Vaile, Wright, Woodward, Walters—19.

Lost.

The Bill was read a second time.

The question being on the suspension of the rules, to put it upon its third reading;

The gentlemen voting in the affirmative were Messrs. Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Hovey, Lewis, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Townsend, Vaile, Wright, Weider, Walters—23.

The gentlemen voting in the negative were Messrs. Allison, Barry, Dickerson, Finch, Graham of Doniphan, Holaday, Holmes, Irvin, Lynde, Stevenson, Silvers, Woodward—12.

Carried.

Mr. Danford introduced House Bill No. 288, "An Act providing for the time of meeting of the General Assembly."

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 8, 1859.

To the Honorable Speaker of the House of Representatives:

I have this day approved House Bills Nos. 217, 255, 5, 201, 223, 264, 88, 171, 20, 162, 251, 91, 19, 192, 260 and 284.

Respectfully, S. MEDARY.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Lynde, from Committee on Public Roads, submitted the following report:

The Committee on Public Roads having considered House Bills Nos. 86, 62, 212, 171, 103, 88, 35, 48, 106, 71, 112, 111, 168, 93, 52, 45, 133, 169, 165, 158, 157, 163 and 72; also, Council Bills Nos. 29, 7 and 58, on the subject of ferries and roads, find that the objects sought to be obtained by the aforementioned Bills are already laws, or are before this House in other Bills. Your Committee would recommend that they lie on the table.

EDWARD LYNDE, Chairman.

Mr. Canniff, from Committee on Counties and County Lines, submitted the following report:

The Committee on Counties and County Lines have had House Bill No. 287, entitled "An Act locating the county seat of Madison County," under consideration, and report it back and recommend its passage.

H. J. CANNIFF, Chairman.

Adopted.

Mr. Spriggs, from Committee on Education, submitted the following report:

The Committee to whom was referred Council Bill No. 159, entitled "An Act for the re-organization of the library of the Territory, and providing for the appointment of librarian," having had the same under consideration, report the same back without amendment and recommend its passage.

W. SPRIGGS, Chairman.

Mr. Danford introduced House Bill No. 289, "An Act to repeal certain laws."

Mr. Lewis, of the Judiciary Committee, submitted the following report:

OFFICE CODIFYING COMMISSIONERS,
February 8, 1859.

To the Legislative Assembly:

We herewith transmit for your action, "An Act repealing certain laws," "An Act concerning the construction of statutes," and recommend their passage.

Very respectfully,

WILLIAM McKAY,
J. McCAHON.

House Bill No. 289, "An Act repealing certain laws," was taken up.

On motion of Mr. Mitchell, the Bill was amended in Section 1, line 1, by striking out the words "and public."

The Bill was read a second and third time, (the rules being suspended.)

The question being "Shall the Bill pass?" the yeas and nays were demanded.

The gentlemen voting in the affirmative were: Messrs. Barry, Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Irvin, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Spriggs, Silvers, Townsend, Vaile, Wright, Weider, Woodward, Walters—35.

No gentlemen voted in the negative.

So the Bill passed.

The title was agreed to.

House Bill No. 288, "An Act to provide for the time of the meeting of the General Assembly of the Territory of Kansas."

Mr. Wright moved to amend by inserting "the first of February," instead of "the first of January." Lost.

Mr. Mitchell moved to amend by saying "the first of December."

The question being on the amendment,

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Curtiss, Clark, Dickerson, Finch, Hovey, Lockhart, Mitchell, Roberts of Bourbon, Scott, Silvers, Weider—13.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Danford, Graham of Doniphan, Graham of Nemaha, Holaday, Irvin, Lewis, Lynde, McDowell, Marsh, Morrow, Medill, Points, Roberts of Leavenworth, Stevenson, Spriggs, Townsend, Vaile, Wright, Woodward, Walters—22.

The Bill was passed.

The title was agreed to.

Mr. Roberts, of Leavenworth, introduced House Bill No. 291, "An Act to annul the marriage contract now existing between Frances G. Coburn and Edward O. Coburn."

Also, presented a petition from Frances G. Coburn, praying for a divorce.

Both of which were referred to a Select Committee, consisting of Messrs. Roberts of Bourbon, Mitchell, Canniff, Roberts of Leavenworth and McDowell.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council has passed Council Bills Nos. 142, 178, 171, 193, 180 and 184, in which your concurrence is invited.

Also, that the Council has passed House Bills Nos. 244, 160 and 38, without amendment.

Also, House Bill No. 213, with the following amendment: "In Section 1, after Territory, insert the words "except the county of Riley."

Also, a substitute for House Bill No. 139.

Also, House Bill No. 173, with the following amendments: Strike out Sec. 1 and insert the following:

"Sec. 1st. There shall be appointed by the Governor of the Territory, with the advice and consent of the Council, during the session of the Legislative Assembly for the year 1860, and every year thereafter, a superintendent of public schools, who shall hold his office for one year or until his successor is appointed and qualified."

In Sec. 3, after "office" insert "and traveling expenses incurred in the discharge of his duties as prescribed by law."

In Sec. 4, for "common" read "public."

In Sec. 5, for "common" read "public."

In Sec. 6, for "common" read "public."

Strike out section seven.

Sec. 9. Insert "1st of October" instead of "10th of February."

Sec. 11. For "common" read "public."

Sec. 15. Strike out all after "yet," in the second line, and before the word "to," in the seventh line, and wherever, in this Section, "districts" occur, change the same to "townships."

Also, an additional Section, to be called Section 100, to read as follows:

"Section 100. If any Superintendent of public schools shall, in any way, receive from the publishers of any school books, or any other person interested in the sale or introduction of any book into any of the public schools of this Territory, any money or bonus, in any manner, as an inducement for the recommendation or introduction of any such book into any of the public schools of this Territory, said Superintendent shall, upon conviction thereof before any court of competent jurisdiction, be found guilty of a misdemeanor, and shall be confined in the penitentiary for not less than one nor more than ten years, and shall be fined a sum of money, not exceeding five thousand dollars and not less than one thousand dollars; one-tenth of which money shall go to the person complaining, and the other to the school fund of the Territory." Your concurrence is requested.

A. SMITH DEVENNEY,
Secretary of Council.

House Bill No. 253, "An Act to amend the charter of the Kansas Valley Branch Bank, at Atchison," was taken up.

Mr. Roberts, of ——, moved to strike out all after the enacting clause, and insert amendments.

Mr. Vaile offered the following amendment:

AMENDMENT:

Sec. —. That the stockholders shall be individually liable for the issues of said Bank, in proportion to their stock, and *Provided*, that the stockholders shall be held liable for notes issued by said bank, in proportion to their stock, for six months after their connection with said bank shall cease.

Mr. Danford moved to lay the Bill upon the table,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Branscomb, Bailey, Curtiss, Danford, Graham of Doniphan, Graham of Nemaha, Hovey, Lewis, Lynde, Lockhart, Morrow, Scott, Silvers, Townsend, Vaile—15.

The gentlemen voting in the negative were Messrs. Barry, Canniff, Clark, Dickerson, Finch, Holaday, Irvin, McDowell, Mitchell, Marsh, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Stevenson, Spriggs, Wright, Weider, Woodward—19.

Lost.

The question recurring on Mr. Vaile's amendment,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Curtiss, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Lewis, Lynde, Morrow, Scott, Silvers, Vaile, Woodward—14.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Bailey, Canniff, Clark, Finch, Hovey, Holaday, Irvin, Lockhart, McDowell, Mitchell, Marsh, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Stevenson, Spriggs, Townsend, Wright, Weider, Walters—22.

Lost.

The question then recurring on the amendment of Mr. Roberts, of Leavenworth,

The yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Holaday, Holmes, Irvin, Lewis, Lockhart, McDowell, Mitchell, Marsh, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Stevenson, Spriggs, Silvers, Wright, Weider, Woodward, Walters—28.

The gentlemen voting in the negative were Messrs. Branscomb, Hovey, Lynde, Morrow, Scott, Townsend, Vaile—7.

So the amendments prevailed.

The question being on the second reading of the Bill as amended,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Barry, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Holaday, Holmes, Irvin, Lockhart, McDowell, Mitchell, Marsh, Medill, Roberts of Leavenworth, Roberts of Bourbon, Stevenson, Spriggs, Wright, Weider, Woodward, Walters—23.

The gentlemen voting in the negative were Messrs. Branscomb, Bailey, Graham of Doniphan, Graham of Nemaha, Hovey, Lewis, Lynde, Morrow, Points, Scott, Silvers, Townsend, Vaile—13.

Carried.

The question being on the suspension of the rules for the third reading of the Bill,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Canniff, Clark, Dickerson, Finch, Holaday, Holmes, Irvin, Lockhart, McDowell, Mitchell, Marsh, Medill, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Spriggs, Silvers, Weider, Walters—22.

The gentlemen voting in the negative were Messrs. Bailey, Curtiss, Danford, Graham of Doniphan, Graham of Nemaha, Hovey, Lewis, Lynde, Morrow, Points, Townsend, Vaile, Wright, Woodward—14.

Council Bill No. 95, "An Act to incorporate the Kansas Medical Society," was

Read a second and third time and passed.

The title was agreed to.

Mr. Clark introduced House Bill No. 292, "An Act supplementary to an Act entitled 'An Act to provide for the payment and adjustment of claims.'"

Referred to a Select Committee, consisting of Messrs. Clark, Curtiss and Irvin.

Mr. McDowell introduced House Bill No. 293, "An Act amendatory to 'An Act to authorize the Board of Supervisors of Leavenworth, Douglas, Wyandott, Johnson, Atchison and Lykins Counties, to issue bonds and for other purposes.'"

Referred to Committee on Ways and Means.

Also, House Bill No. 294, "An Act to authorize the holding of Teachers' Institutes."

Referred to Committee on Education.

On motion of Mr. Canniff, the House refused to concur in the amendments of Council to House Bill No. 173.

House Bill No. 290, "An Act concerning the construction of Statutes," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 126, "An Act to incorporate the El Paso Town Company," was

Read a second and third time and passed.

The title was agreed to.

EVENING SESSION.

SEVEN O'CLOCK.

House Bill No. 256, "An Act to locate certain Territorial roads," was taken up.

On motion of Mr. Graham, the Bill was amended in Section 2, line 21, by striking out all relative to the 11th road.

Also, in Section 2, lines 34 and 35, by striking out all relative to the 20th road.

The Bill was then made the special order for to-morrow at two o'clock, P. M.

Mr. Lewis, from Committee on Judiciary, reported back Council Bill No. 165, "An Act securing liens for mechanics and others in certain cases," and recommended its indefinite postponement.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body that the Council has concurred in the amendments of the House of Representatives to Council Bill No. 86.

Also, that the Council has passed House Bills Nos. 161, 288, 249, 207, 146, 275, 277, 273, 276, 271, 37 with amendments, 138, and the House substitute for Council Bill No. 88, without amendments.

Also, that the Council has passed Council Bills Nos. 169, 173, 168, 170, 190, 189, 181, 191, 192, 182.

Also, passed the following concurrent resolution.

CONCURRENT RESOLUTION.

Resolved, By the Council (the House of Representatives concurring), That the Docket Clerks of the two Houses shall on tomorow furnish to the two Houses a list of all the Acts which have passed both Houses.

Your concurrence is requested.

Very respectfully yours,
A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

Mr. Speaker—I am directed to inform the House of Representatives that the Council has passed Council Bill No. 172; House Bill No. 285 with amendments, as follows: Strike out Section 1. Second Section, in seventh line, strike out "two" and insert "three." Third Section, strike out "its passage" and insert "the first day of June next." In which your concurrence is requested.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform your

Honorable Body that the Council has concurred in the House substitute for Council Bill No. 95. Also, that the Council has passed House Bills Nos. 290 and 291.

A. SMITH DEVENNEY,
Secretary of Council.

Messages from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body, that the Council has passed House Bill No. 221, with the following amendments: Strike out all relating to ferries. Strike out "five miles" in Section 2, and insert "one mile."

Respectfully yours,
A. SMITH DEVENNEY,
Secretary of Council.

Mr. Roberts, of Leavenworth, from Select Committee on House Bill No. 291, submitted the following report:

The Select Committee to whom was referred "An Act divorcing Frances G. Coburn and Edward O. Coburn," report that they have had the subject under consideration and find the case to be one in which the authority of the Legislature should be employed to vindicate the right and to protect outraged humanity, and therefore return the Bill to the House, and recommend its passage.

W. Y. ROBERTS, Chairman.

House Bill No. 291, "An Act divorcing Frances G. Coburn and Edward O. Coburn," was taken up.

Mr. Bailey moved its indefinite postponement.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Graham of Doniphan, Graham of Nemaha, Hovey, Lewis, Lynde, Medill, Points, Stevenson, Silvers—10.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Canniff, Curtiss, Clark, Danford, Finch, Holaday, Irvin, Lockhart, McDowell, Mitchell, Marsh, Morrow, Roberts of Leavenworth, Roberts of Bourbon, Scott, Spriggs, Townsend, Vaile, Wright, Weider, Woodward, Walters—24.

Lost.

The Bill was then read a second time.

The question being, "Shall the Bill pass?"

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Canniff, Curtiss, Clark, Danford, Finch, Holaday, Irvin, Lockhart, McDowell, Mitchell, Marsh, Morrow, Roberts of Leavenworth, Roberts of Bourbon, Scott, Spriggs, Townsend, Weider, Woodward, Walters—22.

The gentlemen voting in the negative were Messrs. Bailey, Graham of Doniphan, Graham of Nemaha, Hovey, Lewis, Lynde, Medill, Points, Stevenson, Silvers, Vaile, Wright—12.

So the Bill passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 194, in which your concurrence is invited.

The Council do not recede from their amendments to House Bill No. 173, but ask for a Committee of Conference. Committee on part of Council is J. P. Root and L. C. Challis.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Wright moved that the House concur in the amendments of Council to House Bill No. 37, "An Act to establish a Penitentiary."

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Bailey, Canniff, Curtiss, Danford, Finch, Graham of Nemaha, Hovey, Holaday, Irvin, Lockhart, Mitchell, Marsh, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Silvers, Townsend, Wright, Weider, Woodward, Walters—24.

The gentlemen voting in the negative were Messrs. Clark, Lewis, Lynde, McDowell, Morrow, Medill, Points, Spriggs, Vaile—9.

Carried.

Mr. Clark, from Select Committee to whom was referred House Bill No. 292, submitted the following report:

The Special Committee to whom was referred House Bill No. 292, entitled "An Act to provide for the payment of claims," would report the same back to the House, and recommend its passage.

A. M. CLARK, Chairman.

On motion of Mr. Danford, the House resolved itself into a Committee of the Whole upon House Bill No. 292, "An Act to provide for the payment of claims," Mr. Danford in the chair.

After some time spent therein, the committee arose and reported back the Bill, recommending its passage, with the following amendment:

Sec. 2. After "commissioners," insert "said attorney shall take an oath for the faithful discharge of the duties of said office."

Mr. Canniff moved that the rules be suspended and the Bill put on its final passage,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Bailey, Canniff, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Irvin, Lewis, Lynde, Lockhart, McDowell, Marsh, Medill, Points, Scott, Stevenson, Spriggs, Silvers, Townsend, Vaile, Weider, Woodward, Walters—29.

The gentlemen voting in the negative were Messrs. Branscomb, Curtiss, Mitchell, Morrow, Roberts of Bourbon, Roberts of Leavenworth, Wright—7.

Carried.

The Bill was then passed.

The title was agreed to.

Messrs. Canniff, McDowell and Lynde were appointed on the Committee of Conference upon House Bill No. 173.

Mr. Wright moved that the House adjourn. Lost.

House Bill No. 186, "An Act to incorporate the Kansas Turnpike Company," was

Read a second time.

House Bill No. 123, "An Act prohibiting the levying of taxes for erecting county buildings in Doniphan county until the county seat has been located by a vote of the people," was so amended as to apply also to Douglas county.

The Bill was then read a second and third time and passed.

The title was agreed to.

House Bill No. 285, "An Act to establish a Code of Criminal

Procedure," was taken up, and the House refused to concur in the amendments of the Council.

Council Bill, No. 75, "An Act to abolish and prohibit slavery in Kansas Territory," was taken up and read a second time.

The question being upon the suspension of the rules, to put it upon its third reading, the yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Clark, Dickerson, Graham of Doniphan, Graham of Nemaha, Holaday, Holmes, Irvin, Lewis, Lockhart, McDowell, Marsh, Medill, Points, Stevenson, Spriggs, Silvers, Vaile, Weider, Woodward—21.

The gentlemen voting in the negative were Messrs. Branscomb, Danford, Finch, Hovey, Lynde, Roberts of Leavenworth, Townsend—9.

The Bill was read a third time.

Mr. Danford demanded a call of the House.

On motion of Mr. Lewis, the motion was laid on the table.

The question being, "Shall the Bill pass?"

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Clark, Graham of Doniphan, Graham of Nemaha, Irvin, Lewis, Lockhart, McDowell, Marsh, Medill, Points, Stevenson, Spriggs, Townsend, Vaile, Woodward—17.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Danford, Finch, Hovey, Holiday, Lynde, Mitchell, Roberts of Leavenworth, Silvers, Weider—11.

So the Bill passed.

The title was agreed to.

Adjourned.

B. P. AYERS, Clerk.

WEDNESDAY, FEBRUARY 9, 1859,
NINE O'CLOCK A. M.

Prayer by the Chaplain.

Mr. Canniff, from Committee on Enrollment, submitted the following report:

The Joint Committee on Enrollment have examined the following House Bills, and find them correctly enrolled, and have presented the same to the Governor:

House Bill No. 160, "An Act to authorize Joseph B. Bates to build a bridge across Independence creek."

House Bill No. 189, "An Act incorporating the St. Charles Town Company."

House Bill No. 38, "An Act to locate the county seat of Marshall county."

House Bill No. 27, "An Act repealing an Act prohibiting the circulation of small bank bills, checks, scrip, &c."

House Bill No. 265, "An Act to submit the question of locating the county seat of Doniphan county to a vote of the people."

House Bill No. 244, "An Act to incorporate the Ohio City Association."

House Bill No. 207, "An Act to incorporate the Garnett Town Company."

House Bill No. 146, "An Act to locate Morris University at Doniphan."

H. J. CANNIFF, Chairman.

Mr. Canniff introduced the following resolution:

Resolved, That the Docket Clerk be authorized to employ an assistant for the balance of the session.

Mr. McDowell, from Committee on Corporations and Banking, reported back House Bill No. 283, "An Act to incorporate the Kansas and Smoky Hill Fork Water Power Company," without recommendation.

Mr. McDowell introduced House Bill No. 295, "An Act to authorize a bridge across Stranger creek."

The rules being suspended, the Bill was

Read a second and third time and passed.

The title was agreed to.

Also, House Bill No. 296, "An Act to authorize a toll bridge across Soldier creek," which was indefinitely postponed.

Mr. ——— introduced the following memorial:

MEMORIAL

Of the Legislative Assembly of Kansas Territory, petitioning the President of the United States to adjourn the land sales:

WHEREAS, By proclamation of the President of the United States, the lands of Kansas are to be thrown into the market in July next; *and, whereas*, by such sales great injury and suffering will fall upon our settlers; *and, whereas*, the lands so thrown into market will mostly go into the hands of speculators, to the great detriment of the *bona fide* settlers, thereby retarding the growth and settlement of the country; *and, whereas*, the Government, if these lands are thrown into market, will mostly be paid in land warrants, and thereby not increase the revenue of the General Government, therefore, be it

Resolved, By the Governor and Legislative Assembly of Kansas Territory, that we respectfully ask the President to adjourn the land sales in Kansas, for one year from the first of July next.

Mr. Lynde, from Committee on Public Roads, submitted the following report:

The Committee on Public Roads, have considered House Bill No. 286, "An Act to authorize A. M. Morton and others, to build a bridge across Walnut Creek," and recommend its passage.

EDWARD LYNDE, Chairman.

Said House Bill No. 286, was taken up.

On motion of Mr. Finch, the Bill was amended in section 2, by striking out "four miles" and inserting "one mile."

On motion of Mr. Lockhart, it was amended in section 2, by striking out "twenty-one years" and inserting "ten years," and also in section ——, by striking out "fifty cents," and inserting "twenty-five cents" as toll fee.

On motion of Mr. Lynde the Bill was then indefinitely postponed.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform the House of Representatives, that the Council have passed House Bill No. 247, with sundry amendments, and your concurrence therein is most respectfully solicited.

A. SMITH DEVENNEY,
Secretary of the Council.

AMENDMENTS.

In the second section, before the word "hundred" strike out "three" and insert "one."

In eleventh section, last line, strike out "issued," and insert "used."

Strike out section 12, and insert the following:

Sec. 12. That if said company shall fail to organize within six months, or to complete at least thirty-five miles of said line of telegraph, within eighteen months from the first of June next, this charter and all rights under it shall be forfeited.

Add to section nine the following:

This corporation, and all other companies organized under the laws of this Territory, shall have power to change their names and places of business, at such times and to such places, within this Territory, as the managers thereof shall determine."

Mr. Graham, of Nemaha, offered the following resolution:

Resolved, That the clerk of this House call on the Governor and request him to send all Bills unsigned by the Speaker and clerk to this House.

Adopted.

Council Bill No. 7, Joint Resolution memorializing Congress for a mail route to the gold region, was taken up.

On motion of Mr. Larzalere, it was amended by inserting "Elwood, to intersect the route to Fort Riley."

Mr. Danford offered the following amendment to section ——:

That a mail route also be established from Leavenworth City to Pike's Peak by Fort Riley."

Adopted.

On motion of Mr. Marsh, the Bill was amended by inserting in section 2, the words "mail route from Fort Scott to Pike's Peak by way of Fort Riley."

On motion of Mr. Dickerson, the Bill was amended in section —— by inserting in section —— the words "Atchison to Pike's Peak."

The Bill was then passed.

The title was agreed to.

Mr. Danford from Select Committee, submitted the following report:

The Special Committee to whom was referred the subject of the alleged fraud practiced upon this Assembly by the mutilation of the "Act to incorporate the Leavenworth Gas Company," beg leave to report, that upon diligent inquiry they have been unable to ascertain who the culpable party or parties may be in this transaction. They are satisfied however that the clerks of both branches of the Assembly are free from any complicity in the matter.

A. DANFORD,
W. Y. ROBERTS,
Special Committee.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform the

House of Representatives, that the Council has passed Council Bill No. 162, in which your concurrence is invited.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Danford, the clerk was instructed to procure the appropriation Bill, and return it to the House forthwith.

On motion of Mr. Bailey, House Bill No. 287, "An Act to locate the county seat of Madison county," was re-committed to Committee on Counties and County Lines.

Mr. Bailey presented a petition from J. C. Lombden and forty-six others, for an organization of Butler county.

Referred to Committee on Counties and County Lines.

Mr. Bailey, from Select Committee on Council Bills Nos. 155 and 266, and from Committee on Printing, submitted the following reports:

The Select Committee to whom was referred Council Bill No. 155, entitled "An Act to provide for the location of the county seat of Linn county," and also sundry other Bills for location of county seats, beg leave to report the following Bill, entitled "An Act to locate the county seats of certain counties," with the recommendation that it be adopted, and report Bill No. 155 back to the House without recommendation.

L. D. BAILEY, Chairman.

The Committee on Printing, to whom was referred Council Bill No. 143, entitled "An Act providing for the publication of the laws" report the same back to the House with a substitute, and recommend that the substitute be adopted.

L. D. BAILEY, Chairman.

The Select Committee, to whom was referred House Bill No. 266, entitled "An Act to provide for funding the indebtedness of the Territory," having attended to the duties assigned them, report the same with the following amendment, viz:

Strike out all after the figures 1857, in Sec. 12, the third line, and to the word "claims" in the fifth line inclusive; and that the Bill, as amended, be laid upon the table for consideration.

L. D. BAILEY, Chairman.

Council Bill No. 8, "Joint Resolutions concerning the elections," was

Read a second and third time and passed.

Council Bill No. 142, "An Act to provide for the foreclosure of mortgages," was

Read a second time.

Council Bill No. 171, "An Act defining the judicial districts of the Territory," etc., was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

Mr. Danford introduced House Bill No. 298, "An Act to prevent the mutilation or alteration of Acts and Bills."

The rules were suspended the Bill was

Read a second and third time and passed.

The title was agreed to.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 9, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bills Nos. 209, 242, 182, 205, 220, 164, 271, 105, 269, 175, 181, 263, 135, 156, 132, 238, 187, 246 and 149.

Respectfully,
S. MEDARY.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform the House of Representatives that the Council accedes to the request of the House in relation to the return of House Bill No. 235, "making appropriations."

A. SMITH DEVENNEY,
Secretary of Council.

House Bill No. 168, "An Act concerning writs of *quo warranto*," was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

Council Bill No. 169, "An Act to preserve public records," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 155, "An Act to locate the county seat of Linn County," was

Referred to a Select Committee, consisting of Messrs. Danford, Woodward and Mitchell.

Council Bill No. 170, "An Act defining the jurisdiction in the several courts," was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

Council Bill No. 190, "An Act adopting the common law as a rule of action in the Territory," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 189, "An Act to prevent frauds and perjury," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 191, "An Act concerning county jails," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 192, "An Act to punish trespasses on school lands," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 172, "An Act for the relief of suitors in the Probate Court," was

Read a second and third time and passed.

The title was agreed to.

Mr. Spriggs, from Committee on Education, submitted the following report:

The Committee to whom was referred House Bill No. 294, "An Act authorizing the holding of Teachers' Institutes," have had the same under consideration, and report the same back without recommendation. W. SPRIGGS, Chairman.

House Bill No. 294, "An Act authorizing the holding of Teachers' Institutes," was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

House Bill No. 142, "An Act to provide for the foreclosure of mortgages," was

Referred to Committee on Judiciary.

House Bill No. 266, "An Act to provide for funding the debts of the Territory," was taken up.

Mr. Roberts moved to amend in section two by striking out "five hundred thousand" and inserting "one hundred thousand."

Mr. Wright offered the following additional section:

SEC. —. No complete record shall be made in any case except where the title of real estate shall come in question, without the party requesting it shall pay the costs thereof.

Adopted.

The Bill as amended was then read a second and third time and passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 195, "An Act divorcing Lorenzo Hoyt and Sarah E. Hoyt."
Your concurrence is invited.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Council has receded from its amendments to House Bill No. 285.

A. SMITH DEVENNEY,
Secretary of Council.

House Bill No. 139, "An Act concerning the plats of cities and towns," was

Referred to Committee on Judiciary.

Mr. Danford, from Select Committee on Council Bill No. 155, submitted the following report:

The Special Committee to whom was referred Council Bill No. 155, report the same back with the following amendments, and recommend its passage:
1st. Strike out of the first section, the words "Fourth Monday of March," and insert in place thereof "First Tuesday of June."
2nd. Add to the first section, the following proviso:
Provided, That two hundred of the legal voters of said county shall first, by petition to the board of supervisors, pray for such election.

A. DANFORD, Chairman.

Council Bill No. 155, "An Act to provide for the location of the county seat of Linn County," was

Read a second and third time and passed.

The title was agreed to.

Mr. Scott introduced House Bill No. 298, "An Act amendatory to 'An Act concerning the printing of the laws.'"

Referred to a Select Committee, consisting of Messrs. Scott, Marsh and Lockhart.

AFTERNOON SESSION.

TWO O'CLOCK.

On motion of Mr. Spriggs, the House concurred in the amendments of the Council to House Bill No. 213, "An Act declaring certain county offices vacant, and providing for an election."

Message from the Council:

MR. SPEAKER—I am directed to inform the House of Representatives that the Council has concurred in amendments of the House to Council Bill No. 155, locating the county seat of Linn County.

A. SMITH DEVENNEY,
Secretary of the Council.

Council Bill No. 147, "An Act to change the Southern boundary of Johnson County," was taken up.

Mr. Wright offered the following amendment:

Section —. That in like manner the voters in Johnson County, residing in township twelve in said county, shall, on the fourth Monday of March, vote whether they desire to belong and make a part of Wyandott County, or remain in Johnson County; those voting for going to Wyandott County, shall vote "For Wyandott," and those opposed to it shall vote "For Johnson County;" and if a majority vote for Wyandott, then such township shall make a part of Wyandott County.

Lost.

Mr. Mitchell moved to indefinitely postpone the Bill and the amendments;

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Clark, Dickerson, Holaday, Mitchell, Roberts of Bourbon, Spriggs, Silvers, Weider, Walters—9.

The gentlemen voting in the negative were Messrs. Bailey, Canniff, Danford, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Irvin, Lewis, Lynde, Lockhart, Marsh, Morrow, Medill, Points, Scott, Stevenson, Townsend, Vaile, Wright, Woodward—21.

Lost.

Mr. Walters moved to refer the Bill to a Select Committee of three. Lost.

Mr. Lewis, from the Judiciary Committee, submitted the following reports:

The Judiciary Committee having examined Council Bills Nos. 149, 158, 166 and 161, report the same back to the House and recommend the passage thereof.

W. L. LEWIS, Chairman.

The Judiciary Committee having examined substitute for House Bill No. 139, report the same back to the House and recommend its passage.

W. L. LEWIS, Chairman.

Council Bill No. 158, "An Act respecting townships and township officers," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 161, "An Act concerning lost goods and estrays," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 149, "An Act regulating fees of officers," was taken up.

Mr. Wright moved to amend in Section two, by striking out "ten" and inserting "five." Lost.

Mr. Wright moved to amend in section two, by striking out the word "twenty-five" and inserting "ten;"

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Finch, Hovey, Lockhart, Medill, Silvers, Vaile, Wright, Walters—9.

The gentlemen voting in the negative were Messrs. Canniff, Curtiss, Clark, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Holaday, Irvin, Lewis, Lynde McDowell, Mitchell, Marsh, Morrow, Points, Roberts of Bourbon, Scott, Stevenson, Spriggs, Townsend, Weider, Woodward—23.

Lost.

Mr. Wright also moved to amend in the same section, by striking out "fifty cents" and inserting "ten cents,"

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Graham of Doniphan, Holaday, Lynde, Hovey, Lockhart, Medill, Stevenson, Silvers, Wright, Walters—11.

The gentlemen voting in the negative were Messrs. Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Nemaha, Irvin, Lewis, McDowell, Mitchell, Marsh, Morrow, Points, Scott, Spriggs, Townsend, Weider, Woodward—20.

Lost.

Mr. Wright moved to amend in Section two, by striking out the fee for taxing costs,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Curtiss, Clark, Danford, Graham of Nemaha, Holaday, Irvin, Lewis, McDowell, Mitchell, Marsh, Morrow, Points, Roberts of Bourbon, Scott, Spriggs, Townsend, Vaile, Weider, Woodward—21.

The gentlemen voting in the negative were Messrs. Dickerson, Finch, Graham of Doniphan, Hovey, Lynde, Lockhart, Medill, Stevenson, Silvers, Wright, Walters—11.

Carried.

Mr. Bailey moved to refer the Bill to a Select Committee of three, to report to-morrow morning. Carried.

Messrs. Barry, Bailey and Scott were appointed as that Committee.

Mr. Lewis, from Committee on Judiciary, submitted the following report:

The Committee on Judiciary, having examined "An Act regulating contested elections," report the same to the House and recommend its passage.

W. L. LEWIS, Chairman.

House Bill No. 300, "An Act regulating contested elections," was

Read a second and third time and passed.

The title was agreed to.

Mr. Vaile, from Committee on House Bill No. 256, submitted the following report:

The Committee to whom was referred House Bill No. 256, have had the same under consideration, and report the same back to the House with the following amendments:

In the thirty-second line, strike out the name of John Wright and insert the name of E. Putney.

In the second line strike out the name of Clark G. Waite and insert H. B. Keller.

T. S. VAILE, Chairman.

House Bill No. 256, "An Act to establish certain Territorial roads," was taken up.

The House resolved itself into Committee of the Whole thereupon, Mr. Curtiss in the chair.

After some time spent therein, the committee arose and reported back the Bill, recommending its passage.

The question being "Shall the Bill pass?"

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Bailey, Canniff, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Irvin, Lynde, Lockhart, Marsh, Medill, Points, Scott, Spriggs, Wright, Weider, Walters —20.

The gentlemen voting in the negative were Messrs. Curtiss, Clark, McDowell, Morrow, Stevenson, Silvers, Townsend, Vaile, Woodward—9.

So the Bill passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am directed to inform your Honorable Body that the Council has passed Council Bills Nos. 196, 197 and 200. Your concurrence is desired.

A. SMITH DEVENNEY,
Secretary of the Council.

Message from the Council:

MR. SPEAKER—I am instructed to inform the House of Representatives that Council has passed Council Bill No. 131, "An Act to incorporate the city of Lawrence."

Also, passed Joint Resolutions No. 9, in which your concurrence is asked.

A. SMITH DEVENNEY,
Secretary of Council.

House Bill No. 50, "An Act to incorporate the Society of the Friends of Truth," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 134, "An Act to incorporate the Steam Ferry at Iowa Point," was

Read a second and third time and passed.

The title was agreed to.

Mr. Marsh moved a call of the House. Agreed to.

Mr. Morrow moved that the further call of the House be dispensed with.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Irvin, Lewis, Lynde, Lockhart, Marsh, Morrow, Medill, Points, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Townsend, Wright, Weider, Woodward—27.

The gentlemen voting in the negative were Messrs. McDowell, Mitchell, Silvers, Vaile, Walters—5.

Carried.

Mr. Canniff, from Conference Committee on House Bill No. 173, submitted the following report:

The undersigned, members of the Committee of Conference on the part of the House of Representatives, to which was referred differences between that body and the Council in reference to House Bill No. 173, entitled "An Act to provide for the organization, supervision and maintenance of common schools," respectfully report that the following agreement is made, to wit:

The Council Committee recedes from the Council amendment to the first section; and, by unanimous consent, we propose to amend said first section by striking out the word "two" and inserting the word "one" before the word "year," where it occurs in said section.

The Committee further recommend that the salary of the superintendent be fixed at fifteen hundred dollars per annum, and the further sum of two hundred dollars for office rent, stationery, &c., to be inserted in section three, in place of eight hundred dollars.

The Committee recommend the adoption of a section, to be numbered Section 100, as proposed by the Council; and further recommend the passage of the Bill as amended.

H. J. CANNIFF,
JAMES L. McDOWELL,
EDWARD LYNDE.

Mr. Canniff, from Committee on Counties and County Lines, submitted the following report:

The Committee on Counties and County Lines, to whom was recommitted House Bill No. — "An Act locating the county seat of Madison county," report the following Bill as a substitute for the Bill reported yesterday.

H. J. CANNIFF, Chairman.

House Bill No. 289, "An Act locating the county seat of Madison County," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 18, "An Act to locate and construct a Territorial road from Fort Riley, to some point at or near the base of the Rocky Mountains, near the 39th parallel of latitude," was taken up.

Mr. Bailey moved that the Bill be indefinitely postponed.

Mr. Morrow moved the previous question. Carried.

The question being on the indefinite postponement of the Bill,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Bailey, Curtiss, Finch, Lewis, Lockhart, Points, Spriggs, Silvers, Townsend, Vaile—11.

The gentlemen voting in the negative were Messrs. Barry, Canniff, Clark, Danford, Dickerson, Graham of Doniphan, Hovey, Holaday, Irvin, Lynde, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts of Leavenworth, Scott, Stevenson, Weider, Woodward, Walters—21.

Lost.

Mr. Clark moved to amend the Bill by increasing the commissioners to four, and adding the name of O. M. Marsh, of Leavenworth. Carried.

Mr. Stevenson moved to further amend by adding the name of Nichols. Carried.

The question being, "Shall the Bill pass?"

The gentlemen voting in the affirmative were Messrs. Barry, Danford, Graham of Doniphan, Hovey, Holaday, Irvin, Lynde, McDowell, Mitchell, Marsh, Medill, Roberts of Leavenworth, Scott, Stevenson, Weider, Woodward, Walters—17.

The gentlemen voting in the negative were Messrs. Bailey, Canniff, Curtiss, Clark, Dickerson, Finch, Graham of Nemaha, Lewis, Lockhart, Points, Spriggs, Silvers, Townsend, Vaile, Wright—15.

So the Bill passed.

Mr. McDowell moved to amend the title, as follows: "An Act to swnidle the people of Kansas Territory."

The question being on agreeing to this amendment,

The yeas and nays were demanded:

The gentlemen voting in the affirmative were Messrs. Bailey, Curtiss, Dickerson, Graham of Nemaha, Lewis, Lockhart, Points, Spriggs, Silvers, Townsend, Vaile—11.

The gentlemen voting in the negative were Messrs. Canniff, Danford, Finch, Graham of Doniphan, Hovey, Holaday, Irvin, McDowell, Mitchell, Marsh, Morrow, Roberts of Leavenworth, Scott, Stevenson, Wright, Woodward, Walters—17.

Lost.

The title was agreed to.

Messages from the Council:

Mr. Speaker—I am instructed to inform the House of Representatives of the passage, by the Council, of House Bill No. 22, with amendments. Your concurrence is asked.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Speaker—I am instructed to inform the House of Representatives that the Council has passed House Bill No. 266, entitled "An Act to provide for the funding of the indebtedness of the Territory."

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Speaker—I am directed to inform the House of Representatives of the passage, by the Council, of Council Bill No. 201. Your concurrence is asked.

A. SMITH DEVENNEY,
Secretary of Council.

EVENING SESSION.

Seven o'clock.

Message from the Council:

Mr. Speaker—I am instructed to inform the House of Representatives that the Council has passed House Bill No. 287, without amendment.

Also, passed House substitute for Council Bill No. 18.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Wright offered the following resolution:

Resolved, That the Council be requested to return, to this House, the Bill—"An Act to locate, establish and construct a Territorial Road from some point at or near Fort Riley, to some point near the base of the Rocky Mountains, at or near the 39th parallel of latitude."

Adopted.

Mr. Stephenson introduced House Bill No. 301, "An Act to provide for refunding moneys from school lands."

The rules being suspended, the Bill was

Read a second and third time and passed.

The title was agreed to.

Mr. Graham of Nemaha, introduced House Bill No. 302, "An

Act to incorporate a Company to build a bridge across the Big Blue river, in Marshall county, at McGrow's Ford."

Referred to Committee on Public Roads.

Also, House Bill No. 303, "An Act to incorporate the Town Company of Eureka."

Referred to the Committee on Corporations and Banking.

Mr. Morrow introduced House Bill No. 305, "An Act for the relief of certain persons."

The rules being suspended, the Bill was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 195, "An Act Divorcing Lorenzo Hoyt and Sarah E. Hoyt," was

Read a second time.

The rules were suspended, and the question being on the final passage of the Bill,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Canniff, Curtiss, Clark, Danford, Finch, Hovey, Irvin, Lockhart, McDowell, Mitchell, Marsh, Morrow, Points, Roberts of Leavenworth, Scott, Spriggs, Townsend, Weider, Woodward, Walters —20.

The gentlemen voting in the negative were Messrs. Bailey, Dickerson, Graham of Doniphan, Graham of Nemaha, Lewis, Lynde, Medill, Stephenson, Silvers, Wright—10.

So the Bill passed.

The title was agreed to.

Council Bill No. 175, "An Act to amend the city charter of the city of Atchison," was

Read a second and third time and passed.

The title was agreed to.

On motion of Mr. Danford, the House concurred in the amendments of Council to House Bill No. 22, "An Act to restrain dram shops, and for other purposes."

House Bill No. 36, "An Act concerning certain county seats," was taken up.

Mr. Stevenson moved to amend, in Section 2, by striking out the word "confirmed." Carried.

Mr. Barry moved to amend, in Section —, by striking out "Burlington," and inserting "Leroy." Lost.

Mr. Danford moved to amend, in Section —, by inserting "Coffey county," and designating Burlington as the temporary County Seat. Carried.

Mr. Stevenson moved to amend, in the same Section, by striking out "Burlington" and inserting "Leroy." Lost.

Mr. Townsend moved to amend in Sec. 1, as follows:

That the town of Council Grove shall be the temporary county seat of Wise county; that the town of Cottonwood Falls be the temporary county seat of Chase county.

Mr. Barry moved to amend in Sec. 1, by striking out Americus as the county seat of Breckenridge county. Lost.

On motion of Mr. Lewis, the Bill was referred to Committee on Counties and County Lines, with instructions to amend in Sec. —, line —, by adding the words, "and Franklin county."

Mr. Lynde moved to lay Council Bill No. 36, "An Act to locate certain county seats," on the table until after the Committee on Counties and County Lines shall report,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Finch, Irvin, Lewis, Lynde, Mitchell, Medill, Stevenson, Spriggs, Silvers, Weider, Woodward, Walters—13.

The gentlemen voting in the negative were Messrs. Bailey, Canniff, Clark, Danford, Dickerson, Graham of Doniphan, Hovey, Lockhart, McDowell, Marsh, Morrow, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Townsend, Vaile—17.

Lost.

Mr. Lynde offered the following amendment by way of rider:

That the provisions of the Bill to authorize the people of Linn county to vote on the county seat, passed at the present session, be and the same is extended to Coffey county, and the election there held shall govern the location of the county seat.

Carried.

The Bill was read a second and third time and passed.

The title was agreed to.

Council Bill No. 78; "An Act to organize the county of Chase," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 129, "An Act to amend the charter of the Kansas Valley Branch Bank at Atchison," was taken up.

Mr. Lewis moved to indefinitely postpone the Bill.

Upon which, the yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Bailey, Danford, Graham of Doniphan, Graham of Nemaha, Hovey, Lewis, Lynde, Lockhart, Morrow, Points, Silvers, Vaile, Woodward—13.

The gentlemen voting in the negative were Messrs. Barry, Canniff, Clark, Dickerson, Finch, Irvin, McDowell, Mitchell, Marsh, Medill, Roberts of Leavenworth, Roberts of Bourbon, Stevenson, Spriggs, Townsend, Weider—16.

Mr. Vaile moved a call of the House.

Mr. Stevenson moved to lay the call on the table.

Upon which the yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Bailey, Danford, Graham of Doniphan, Lewis, Lynde, Lockhart, Morrow, Silvers, Vaile—9.

The gentlemen voting in the negative were Messrs. Barry, Canniff, Clark, Dickerson, Finch, Graham of Nemaha, Hovey, Irvin, McDowell, Mitchell, Marsh, Medill, Points, Roberts of Leavenworth, Roberts of Bourbon, Stevenson, Spriggs, Townsend, Weider, Woodward—20.

Lost.

The question being, "Shall the Bill pass?"

The gentlemen voting in the affirmative were Messrs. Barry, Canniff, Dickerson, Finch, Irvin, Mitchell, Medill, Roberts of Leavenworth, Roberts of Bourbon, Stevenson, Spriggs, Townsend, Weider—14.

The gentlemen voting in the negative were Messrs. Bailey, Danford, Graham of Doniphan, Graham of Nemaha, Hovey, Silvers, Vaile, Lewis, Lynde, Lockhart, Marsh, Morrow, Points—14.

Lost.

Mr. Bailey moved to reconsider the vote by which the Bill was lost, and to lay that motion on the table. Carried.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 2, 1859.

To the Honorable Speaker of the House of Representatives:

SIR:—I have this day approved House Bills Nos. 244, 160, 146, 207, 38.

Respectfully,

S. MEDARY.

Message from the Council:

MR. SPEAKER—I am directed to inform your Body that the Council have agreed to the report of the Conference Committee on House Bill No. 179.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Bailey gave notice that, at an early day, he would introduce a Bill to abolish the relations of marriage and institute the law of free love.

Council Bill No. 176, "An Act divorcing Alvin Winants and Maria Winants," was taken up.

Mr. Finch moved that the courtesies of the House be extended to Judge Hoogland, and that he be invited within the bar and make a statement relative to the case.

The Bill was laid over.

Mr. Bailey introduced House Bill No. 305, "An Act to abolish the institution of marriage," and moved its adoption as a substitute for Council Bill No. 176. Lost.

Mr. Dickerson introduced the following resolution:

Resolved, That this House will not grant any divorces at this session.

Lost.

Council Bill No. —, "An Act amending an Act to apportion the Council Districts of the Territory," was

Read a second and third time and passed.

The title was agreed to.

Council Joint Resolution No. 9, memorializing Congress to postpone the land sales, was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 200, "An Act for the incorporation of Lawrence University," was

Read a second and third time and passed.

The title was agreed to.

Mr. Graham, of Doniphan, introduced House Bill No. 306, "An Act to incorporate the Pike's Peak Bridge Company."

Referred to Committee on Banks.

Mr. Canniff offered the following resolution:

Resolved, That the Assistant Enrolling Clerks and the Clerks of the Joint Committee on Enrollment, be paid five dollars per day for their services while actually employed in the service of this House.

Adopted.

Council Bill No. 143, "An Act to provide for the publication of the Laws of Kansas Territory," was

Laid on the table.

Mr. Mitchell moved to adjourn. Lost.

Council Bill No. 197, "An Act to incorporate the Wild Cat Bridge Company," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 198, "An Act supplemental to an Act to locate certain Territorial Roads," was

Referred to Committee on Public Roads.

Council Bill No. 152, "An Act to incorporate the Masonic Lodge at Topeka," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 222, "An Act to establish a ferry across Grasshopper Creek," was taken up.

House Bill No. 21, substitute for 222, was

Read a second and third time and passed.

The title was agreed to.

Adjourned.

B. P. AYERS, Clerk.

THURSDAY, FEBRUARY 10, 1859,
NINE O'CLOCK A. M.

Prayer by the Chaplain.

Mr. Barry introduced House Bill No. 308, "An Act for a Territorial Road from Manhattan to Solomon's Fork."

The rules being suspended, the Bill was

Read a second and third time and passed.

The title was agreed to.

Mr. Clark introduced House Bill No. 307, "An Act to establish a ferry across the Missouri river at Leavenworth."

The rules being suspended, the Bill was

Read a second and third time and passed.

The title was agreed to.

Mr. Canniff, from Committee on Counties and County Lines, submitted the following report:

The Committee on Counties and County Lines, to whom was referred House Bill No. 299, "An Act to provide for the location of certain county seats," submit the following report:

We recommend that section 1 be amended by striking out the words "the town of Elmendaro, the county seat of Madison county," said county seat being permanently located by special Act, passed the 9th inst.

Also, amend the 1st section by adding the words, "the town of Minneola shall be the temporary county seat of Franklin county."

We also recommend that sections 13 and 14 be stricken out.

H. J. CANNIFF, Chairman.

Mr. Lewis from the Judiciary Committee, reported back House Bill No. 309, "An Act for the permanent location of the seats of justice of the several counties of this Territory," and recommended its passage.

Said House Bill No. 309, was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 131, "An Act for the city charter of Lawrence," was referred to a Select Committee of one, Mr. Branscomb.

Council Bill No. 139, "An Act providing for the recording of town plats," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 136, "An Act legalizing certain Acts of the county officers of Lykins county," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 310, "An Act authorizing A. Barry to keep a ferry across the Republican Fork," was

Read a third time and passed.

The title was agreed to.

House Bill No. 200, "An Act to build a bridge across the Osage river," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 162, "An Act changing the county line of Doniphan county," was

Read a second and third time.

Mr. Graham, of Nemaha, offered the following amendment to section ——:

That township four, in ranges 19, 20, 21 and fractional township 22—also fractional township five, (5) range twenty-one, (21) shall be erected into a new county to be called Collins county, and that the county seat be located at Doniphan, until permanently located by the vote of the people of said Collins county.

Carried.

The Bill as amended, was read a second time.

Mr. Lewis moved to reconsider the vote, whereby the amendment of Mr. Graham, of Doniphan, was adopted,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Bailey, Canniff, Curtiss, Clark, Finch, Holaday, Lewis, Lynde, Lockhart, McDowell, Marsh, Medill, Spriggs, Silvers, Townsend, Weider, Woodward—18.

The gentlemen voting in the negative were Messrs. Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Holmes, Irvin, Morrow, Points, Roberts of Leavenworth, Stevenson, Wright, Walters—12.

So the vote was reconsidered.

Mr. Graham, of Doniphan, moved that the Bill be indefinitely postponed,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Dickerson, Finch, ~~Graham~~ of Doniphan, Graham of Nemaha, Hovey, Holaday, Irvin, Marsh, Morrow, Medill, Points, Roberts of Leavenworth, Stevenson, Silvers, Townsend, Wright, Weider, Woodward, Walters—20.

The gentlemen voting in the negative were Messrs. Bailey, Canniff, Curtiss, Clark, Holmes, Lewis, Lynde, Lockhart, McDowell, Spriggs—10.

So the Bill was indefinitely postponed.

Mr. Silvers introduced House Bill No. 311, "An Act to change the name of Calhoun county to Jackson county."

The rules being suspended, the Bill was

Read a second and third time and passed.

Mr. Marsh, from Select Committee on House Bill No. 298, reported back as a substitute House Bill No. 312, "An Act to provide for locating and working highways."

The Bill was read a second and third time and passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body that the Council has passed House Bill No. 17, without amendment.

Also, Council Bill No. 203, in which your concurrence is requested.

A. SMITH DEVENNEY,
Secretary of Council.
By J. J. Ingalls.

House Bill No. 293, "An Act amendatory to 'An Act to authorize the Board of Supervisors of Leavenworth, Douglas, Wyandott, Johnson, Atchison and Lykins counties, to issue bonds,'" was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 102, "An Act amendatory to an Act entitled 'An Act to establish the office of Land District Recorder,'" was

Referred to a select committee, consisting of Messrs. Roberts of Leavenworth, Bailey and Woodward.

House Bill No. 238, "An Act to charter a ferry across the Big Blue river," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 201, "An Act to charter a ferry across the Marias de Cygnes, near Ballard's Ford," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 144, "An Act to incorporate the city of Minneola," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 282, "An Act to incorporate the First United Presbyterian Congregational Society of Leavenworth city," was

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

House Bill No. 239, "An Act to establish a ferry at the town of Onete," was

Read a second and third time and passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER—I am directed to inform the House of Representatives that the Council concurs in House amendments to House substitute for Council Bill No. 18, except the name of Charles Nichols.

Also, Council Bill No. 90, without amendment.

Your concurrence is asked.

A. SMITH DEVENNEY,
Secretary of Council.

House Bill No. 146, "An Act incorporating the Kansas Central Telegraph Company," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 313, "An Act supplemental to an Act entitled 'An Act providing for the organization and maintenance of common schools,'"

Read a second and third time, the rules being suspended, and passed.

The title was agreed to.

Council Bill No. 180, "An Act to authorize the County and City of Leavenworth to issue bonds to, or take stock in railroad companies," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 94, "An Act amendatory to 'An Act making an appropriation to pay the expense of Boards on Election frauds," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 147, "An Act to change the Southern boundary of Johnson County," was taken up.

Mr. Stevenson offered the following resolution:

Resolved, That the provisions of this Act shall apply to the Counties of Douglas, Franklin, Lykins, Linn, Anderson, Coffey, Weller and Shawnee.

Adopted.

Mr. Mitchell moved that the Bill be indefinitely postponed,

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Clark, Finch, Holaday, Mitchell, Scott, Silvers, Walters—7.

The gentlemen voting in the negative were Messrs. Allison, Barry, Bailey, Canniff, Curtiss, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Holmes, Irvin, Lewis, Lockhart, McDowell, Marsh, Morrow, Roberts of Leavenworth, Stevenson, Spriggs, Townsend, Wright, Woodward—23.

Lost.

Mr. Canniff, from the Committee on Enrollment, submitted the following report:

The Joint Committee on Enrollment have examined the following Bills and find them correctly enrolled, and have presented the same to the Governor for his consideration:

House Bill No. 276, "An Act authorizing the Council and House of Representatives to punish for contempt and for other purposes."

No. 273, "An Act providing for the appointment of Territorial Auditor, and prescribing the duties of his office:"

No. 213, "An Act declaring certain county offices vacant and providing for an election."

No. 290, "An Act concerning the construction of statutes."

No. 291, "An Act divorcing Francis G. Coburn and Edward O. Coburn."

No. 249, "An Act to incorporate the Town Company of Granada."

No. 37, "An Act to establish a Penitentiary."

No. 288, "Providing for the time of meeting of the General Assembly."

No. 161, "An Act to incorporate the South Palermo Company, K. T."

No. 285, "An Act amendatory to an Act entitled 'An Act to establish a code of civil procedure."

No. 221, "An Act to authorize A. N. Blacklidge and others to build a bridge."

Substitute for Council Bill No. 95, "An Act to incorporate the Kansas Medical Society."

House Bill No. 138, "An Act to authorize William T. Williamson and others to build a bridge across the Little Arkansas River."

No. 124, "An Act to incorporate the Leavenworth City Gas Company."

No. 275, "An Act providing for the appointment of a Territorial Treasurer."

No. 277, "An Act for the maintenance and support of illegitimate children."

No. 287, "An Act to locate the county seat of Madison County at Elmendaro, and to incorporate the Elmendaro Town Company."

No. 266, "An Act to provide for funding the debt of the Territory."

No. 270, "An Act to prevent certain trespasses."

No. 122, "An Act to charter a Ferry across the Saline Fork at the Town of Salina."

H. J. CANNIFF, Chairman.

Messages from the Council:

MR. SPEAKER—I am directed to inform the House that the Council has passed House Bills Nos. 310 and 224, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

MR. SPEAKER—I am instructed by the Council to inform the House of Representatives that the Council has passed Council Bill No. 205, and ask your immediate concurrence therewith.

A. SMITH DEVENNEY,
Secretary of Council.

MR. SPEAKER—I am directed to inform the House of Representatives that the Council has passed House Bill No. 293, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

AFTERNOON SESSION.

TWO O'CLOCK.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council have passed Council Bills Nos. 199, 206 and 207. Your concurrence is respectfully invited.

Also, House Bills Nos. 311, 200, 297, 239, 282, 304 and 313.

A. SMITH DEVENNEY,
Secretary of the Council.

Mr. Roberts, of Leavenworth, introduced the following resolution:

Resolved, That the Engrossing Clerk and his assistant clerks, the Journal Clerk and his assistant, the Enrolling Clerk and the Docket Clerk of this House, be paid at the rate of five dollars per day for every day actually employed in the service of this House, and that the Sergeant-at-Arms of this House shall be paid three dollars per day, in addition to the pay authorized by the United States, and that the clerks of the Codifying Commissioners shall be entitled to receive five dollars per day.

Adopted.

Mr. Lewis, from the Judiciary Committee, introduced the following report:

OFFICE CODIFYING COMMISSIONERS,
February 9, 1859.

Speaker of the House:

We herewith transmit a schedule of the Acts submitted by us to the Legislative Assembly for their action. The whole number submitted is sixty-six.

Very Respectfully,

WILLIAM McKAY,
J. McCAHON.

Message from the Governor:

LAWRENCE, K. T., February 10, 1859.

To His Excellency Samuel Medary, Governor K. T.:

SIR:—In compliance with your request, I have made an estimate of the probable expenses of the Special Court now in session in this city, and from the best data that I am able to obtain, I am of opinion that the sum of ten thousand ($10,000,) dollars should be appropriated to be used, if required, in carrying out the provisions of the Act under which this Court is held. Of course, this estimate is only approximate, as no basis can be found for arriving, with certainty, at the various expenses which may be incurred. I should add, that I have consulted fully with His Honor, Judge Elmore, in making this estimate, and that he concurs entirely with me in recommending the appropriation which I have mentioned.

Very respectfully, your obed't servant,

[Signed,] ALSON C. DAVIS,

Prosecuting Attorney for the Special Court.

Mr. Roberts, of Leavenworth, moved to refer the message and accompanying documents, to the Committee on Ways and Means.

Mr. Danford moved an amendment to the amendment, to instruct the committee to report an appropriation in accordance with the recommendation of the Attorney General,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Danford, Finch, Holmes, Irvin, Mitchell, Marsh, Morrow, Roberts of Leavenworth, Scott, Spriggs, Wright, Weider, Walters—15.

The gentlemen voting in the negative were Messrs. Allison, Bailey, Canniff, Curtiss, Clark, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Lewis, Lockhart, McDowell, Stevenson, Silvers, Townsend, Vaile—16.

Lost.

The amendment of Mr. Roberts of Leavenworth, was then adopted.

Council Bill No. 131, "An Act to incorporate the city of Lawrence," was

Read a second and third time and passed.

The title was agreed to.

Mr. Marsh introduced House Bill No. 314, "An Act to incorporate the Rock Creek Bridge Company."

The rules were suspended, and the Bill was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 306, "An Act to incorporate the Cherry Creek Bridge Company," was taken up.

Mr. Vaile offered the following amendment:

Said tolls to be fixed by the tribunal transacting county business, of the counties in which said ferries and bridges shall be established, at their annual meetings; *Provided*, that nothing in this Act shall be construed to effect the validity of any rights conferred by any charters existing at the time of the passage of this Act.

Carried.

The Bill, as amended, was then read a second and third time and passed.

The title was agreed to.

Mr. Lewis, from the Judiciary Committee, submitted the following reports:

The Judiciary Committee having examined Council Bill No. 142, "An Act to provide for the foreclosure of mortgages," report the same to the House and recommend its passage.

W. L. LEWIS, Chairman.

Council Bill No. 142, "An Act to provide for the foreclosure of mortgages," was taken up.

Mr. Lewis moved to amend in the second Section by inserting after "mortgage," the words "on real estate." Carried.

The question being on the second reading of the Bill, as amended, the yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Curtiss, Danford, Finch, Hovey, Holaday, Irvin, Lewis, Lockhart, Mitchell, Marsh, Roberts of Leavenworth, Roberts of Bourbon, Scott, Spriggs, Silvers, Townsend, Wright, Weider—23.

The gentlemen voting in the negative were Messrs. Clark, Dickerson, Graham of Doniphan, Graham of Nemaha, McDowell, Morrow, Points, Stevenson, Vaile, Walters—10.

Carried.

Mr. McDowell offered the following amendment:

Sec. —. No Court shall tax over two dollars as attorney's fees, in any case for foreclosure of a mortgage on trust deed or for collection of same.

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Irvin, Lewis, Lockhart, Marsh, Morrow, Points, Roberts of Leavenworth, Roberts of Bourbon, Scott, Stevenson, Silvers, Townsend, Vaile, Weider, Walters—27.

The gentlemen voting in the negative were Messrs. Allison, Branscomb, McDowell, Mitchell, Wright—5.

Carried.

The question being, "Shall the Bill pass?"

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Finch, Hovey, Lewis, Lockhart, Marsh, Morrow, Roberts of Bourbon, Scott, Spriggs, Silvers, Townsend, Wright, Woodward—21.

The gentlemen voting in the negative were Messrs. Dickerson, Graham of Doniphan, Graham of Nemaha, Holaday, Irvin, McDowell, Mitchell, Points, Roberts of Leavenworth, Stephenson, Vaile, Weider, Walters—13.

So the Bill passed.

Mr. McDowell offered the following amendment to the title: "An Act to increase the business of Attorneys."

Lost.

The title was agreed to.

Mr. Roberts, of Leavenworth, from Select Committee on Council Bill No. 102, "An Act to amend an Act entitled 'An Act to establish the office of Land District Recorder," reported back the Bill with amendment, recommending its passage.

The report was adopted.

The Bill, as amended, was read a second and third time and passed.

The title was agreed to.

Mr. Lewis, from the Judiciary Committee, submitted the following report:

The Judiciary Committee having examined "An Act regulating inclosures," report the same to the House, and recommend its passage.

W. L. LEWIS, Chairman.

House Bill No. 315, "An Act regulating inclosures," was taken up.

Mr. Larzalere moved to amend in Section 2, by striking out "two feet" and inserting "six inches;" and also the words, "*Provided*, that in those counties where there is no hog law, it shall not bind."

The amendments were adopted.

The Bill was then read a second and third time and passed.

The title was agreed to.

Council Bill No. 199, "An Act for the formation of independent military Companies," was taken up.

The question being "Shall the Bill pass?"

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Graham of Doniphan, Hovey, Holaday, Lockhart, McDowell, Marsh, Morrow, Points, Scott, Silvers, Wright, Walter, —21.

The gentlemen voting in the negative were Messrs. Allison, Graham of Nemaha, Lewis, Stevenson, Spriggs, Townsend Weider—7.

So the Bill passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body that the Council has passed House Bill No. 180, without amendments. Also, Council Bill No. 208. Your concurrence is respectfully solicited.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Canniff, from the Joint Committee on Enrollment, submitted the following reports:

The Joint Committee on Enrollment have examined the following House Bill, and find it correctly enrolled, and have presented the same to the Governor:

No. 22, "An Act to restrain dram shops and regulate the sale of intoxicating liquors."

H. J. CANNIFF, Chairman.

The Joint Committee on Enrollment having examined House Bill No. 304, "An Act for the relief of certain persons," find the same correctly enrolled, and have presented the same to the Governor for his consideration.

H. J. CANNIFF, Chairman.

Message from the Council:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Council has passed House Bills Nos. 314 and 308, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform the House of Representatives that the Council has passed House Bill No. 306. Also, passed House Bill No. 272 with amendments:

Amend by striking out Section 2.

Your concurrence is solicited.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Stevenson introduced House Bill No. 316, "An Act to locate a Territorial road from Elwood via Highland to Marysville," which was

Read a second and third time and passed.

The title was agreed to.

Mr. McDowell introduced House Bill No. 317, "An Act to confirm conveyances made under deeds of trust."

Mr. Walters moved that the Bill be indefinitely postponed.

Upon which the yeas and nays being demanded.

The gentlemen voting in the affirmative were Messrs. Danford, Dickerson, Lewis, Lockhart, Spriggs, Silvers, Townsend, Vaile, Wright, Woodward, Walters—13.

The gentlemen voting in the negative were Messrs. Allison, Barry, Branscomb, Bailey, Canniff, Curtis, Clark, Finch, Graham of Doniphan, Graham of Nemaha, Irvin, McDowell, Mitchell, Marsh, Morrow, Points, Roberts of Leavenworth, Stevenson, Weider—18.

Lost.

Mr. Vaile moved to lay the Bill upon the table,

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Bailey, Graham of Nemaha, Hovey, Holaday, Irvin, Lewis, Lockhart, Marsh, Spriggs, Silvers, Townsend, Vaile, Wright, Weider, Woodward, Walters—16.

The gentlemen voting in the negative were Messrs. Branscomb, Canniff, Curtis, Clark, Danford, Dickerson, Finch, Graham of Doniphan, McDowell, Morrow, Stevenson—10.

Carried.

House Bill No. 299, "An Act to provide for the location of certain county seats," was taken up.

Mr. Roberts, of Leavenworth, moved to so amend as to have all the elections upon county seats occur at the same time as elections for members of the Legislative Assembly.

Lost.

The Bill was then read a second and third time and passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am instructed to inform the House of Representatives that the Council refuses to concur in the amendments of the House to Council Bill No. 123. The amendment of the House is insert "Douglas" after the word "Doniphan" in Section 1st.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Governor:

Executive Office, Kansas Territory,
February 10, 1859.

To the Honorable Speaker of the House of Representatives:

Sir—I have this day approved House Bill No. —, a substitute for Council No. 95.

Respectfully,
S. MEDARY.

Mr. Canniff, from Committee on Enrollment, submitted the following report:

The Joint Committee on Enrollment have examined the following House Bills, and find them correctly enrolled:

House Bills No. 173, "An Act to provide for the organization, supervision and maintenance of common schools."

No. 293, "Amendatory of an Act to authorize the Board of Supervisors of Leavenworth, Douglas, Wyandott, Johnson and Lykins counties to issue bonds, and for other purposes,"

No. 184, "An Act incorporating the Ravenna Town Company."

H. J. CANNIFF, Chairman.

Council Bill No. 203, "An Act to legalize the acts of J. L. Spear, as Probate Judge of Jefferson county," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 62, "An Act in relation to the bridge across the Little Arkansas River," was

Read a second time.

Mr. Bailey introduced House Bill No. 318, "An Act to provide for the organization of Butler county."

The rules being suspended, the Bill was

Read a second and third time and passed.

Mr. Bailey moved that when the House adjourn, it adjourn to meet at 9 o'clock to-morrow morning. Carried.

Council Bill No. 111, "An Act to incorporate the town of Forest Hill," was

Read a second and third time and passed.

The title was agreed to.

Mr. Branscomb, from the Committee on Ways and Means, reported House Bill No. 319, "An Act to provide for the payment of the expenses of a special term of the district court."

The Bill was made the special order for Friday, at 9 o'clock.

Mr. Marsh moved to concur in the amendments of Council to Council Bill No. 18.

Mr. Vaile moved to lay the motion on the table. Carried.

Council Bill No. 194, "An Act to authorize W. H. R. Lykins to enter certain school lands," was taken up.

Mr. Allison moved to lay the Bill on the table. Carried.

Council Bill No. 205, "An Act divorcing Horatio E. Swan and Harriet J. Swan," was

Read a second and third time and passed.

The title was agreed to.

Mr. Wright moved to amend by inserting the names of James Deamond and Eliza Deamond,

Upon which the yeas and nays were called for.

The gentlemen voting in the affirmative were Messrs. Allison, Branscomb, Bailey, Canniff, Dickerson, Graham of Doniphan, Morrow, Points, Stevenson, Spriggs, Silvers, Wright, Woodward, Walters—14.

The gentlemen voting in the negative were Messrs. Barry, Curtiss, Clark, Danford, Finch, Graham of Nemaha, Hovey, Holaday, Lockhart, McDowell, Marsh, Roberts of Leavenworth, Scott, Townsend, Vaile, Woodward, Walters—15.

The question being on the suspension of the rules,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Canniff, Curtiss, Clark, Danford, Finch, Holaday, Lockhart, McDowell, Marsh, Morrow, Points, Roberts of Leavenworth, Scott, Spriggs, Vaile, Woodward, Walters—20.

The gentlemen voting in the negative were Messrs. Bailey, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Irvin, Stevenson, Silvers, Townsend, Wright—10.

The Bill was then read a third time.

The question then being on the final passage of the Bill,

The yeas and nays were demanded:

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Canniff, Curtiss, Clark, Danford, Dickerson, Finch, Holaday, Irvin, Lockhart, McDowell, Mitchell, Marsh, Morrow, Roberts of Leavenworth, Scott, Spriggs, Walters—17.

The gentlemen voting in the negative were Messrs. Bailey, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Irvin, Stevenson, Silvers, Townsend, Wright, Woodward—11.

So the Bill passed.

The title was agreed to.

Mr. Walters introduced House Bill No. 320, "An Act divorcing William Whitehead and Philaphena Whitehead."

Message from the Council:

Mr. Speaker—I am instructed to inform the House of Representatives that the Council has passed the following concurrent resolution, in which your concurrence is solicited:

Resolved, By the Council, the House of Representatives concurring, that the Codifying Commissioners, appointed at the present session of the Legislative Assembly, shall receive, each, in addition to the amount provided in the resolution creating the commission, three dollars per day, for the time they have been engaged in discharging the duties of their appointment—and the clerks shall receive two dollars per day each, in addition to the amount named in said resolution.

A. SMITH DEVENNEY,
Secretary of the Council.

Adjourned.

B. P. AYERS, Clerk.

FRIDAY, February 11, 1859,
Nine o'clock, A. M.

Prayer by the Chaplain.

The reading of the Journal was dispensed.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform the House of Representatives that the Council has concurred in House amendment to Council Bills Nos. 102 and 142.

Also, passed House Bills Nos. 315 and 216, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Mitchell, the special order for nine o'clock was laid on the table.

Mr. Wright introduced House Bill No. 321, "An Act to provide for the peace of Kansas."

Mr. Clark moved that the preamble be stricken out. Lost.

Mr. Clark moved to amend the Bill so that the Act should only extend to those crimes committed South of the Kaw river. Lost.

Mr. Townsend offered the following amendment:

Provided, That this amnesty shall apply only to offences committed in the counties of Linn, Lykins and Bourbon.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Branscomb, Bailey, Canniff, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Lynde, Marsh, Morrow, Townsend—11.

The gentlemen voting in the negative were Messrs. Barry, Curtiss, Danford, Finch, Holaday, Holmes, Irvin, Lewis, Lockhart, McDowell, Mitchell, Points, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Silvers, Vaile, Wright, Weider, Woodward, Walters—22.

Lost.

Mr. Graham, of Nemaha, offered the following amendment;

Provided, That a majority of the legal voters of the various counties in this Territory shall so determine at the annual town meeting in March next. This Act shall take effect only in those counties where the majority of the voters shall so determine.

Lost.

Also,

Provided, this Act shall apply to political offences only.

Lost.

Mr. Danford offered the following amendment:

Provided, Such offences were committed in connection with the political disturbances of the Territory.

Lost.

Mr. Morrow moved to postpone further consideration of the Bill until two o'clock P. M. Lost.

Mr. Walters moved so to amend the Bill as to exempt Lykins county from its provisions. Lost.

Mr. Bailey offered the following amendment:

This Act shall not apply to the counties of Douglas, Shawnee, Wabonsa, Davis, Wise, Chase, Butler, Hunter, Madison, Breckenridge, Osage, Neosho, Anderson and Franklin.

Upon which the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Branscomb, Bailey, Canniff, Clark, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Holmes, Irvin, Lynde, Marsh, Morrow, Stevenson, Townsend, Wright, Weider, Woodward—18.

The gentlemen voting in the negative were Messrs. Barry, Curtiss, Danford, Finch, Holaday, Lewis, Lockhart, McDowell, Mitchell, Points, Roberts of Leavenworth, Scott, Spriggs, Silvers, Vaile, Walters—16.

Carried.

Mr. Canniff moved that the remaining counties of the Territory be exempted. Lost.

The Bill was then read a second and third time.

The question being, "Shall the Bill pass?"

The gentlemen voting in the affirmative were Messrs. Curtiss, Finch, Holaday, Lockhart, McDowell, Mitchell, Morrow, Spriggs, Wright—9.

The gentlemen voting in the negative were Messrs. Barry, Branscomb, Bailey, Canniff, Clark, Danford, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Irvin, Lewis, Lynde, Marsh, Points, Roberts of Leavenworth, Scott, Silvers, Townsend, Vaile, Weider, Woodward, Walters—24.

So the Bill was lost.

Message from the Council:

Mr. Speaker—I am directed by the Council to inform the House of Representatives, that the Council has passed Council Bill No. 175, "An Act to amend an Act to incorporate the city of Atchison," in which you are invited to concur.

A. SMITH DEVENNEY,
Secretary of Council.

Messages from the Council:

Mr. Speaker—I am directed by the Council to inform your Honorable Body, that the Council has passed House Bill No. 159, without amendment.

Also, House Bill No. 235, with the following amendments, in which your concurrence is respectfully requested:

Sec. 1. Strike out "eight hundred dollars" in the provision for paying the Codifying Commissioners and clerks, and insert "twelve hundred and fifty dollars;" also, "three thousand dollars" in the provision for payment of contingent expenses of the Legislative Assembly, and insert "five thousand dollars;" also, strike out in the appropriation for roads "thirty-three thousand" and insert "twenty thousand," add "increase pay of the first and second clerks and rent in provision for payment of contingent expenses of Legislature."

Sec. 1. Strike out "to pay scrip issued and signed by the President of the Leavenworth Constitutional Convention."

Sec. 1. Strike out "$15,000" and insert "$500,000."

Add the following:

Accounts for the contingent expenses of the present Legislative Assembly, certified by the President of the Council and Sergeant-at-Arms of the House of Representatives, shall be sufficient evidence for the Comptroller to draw warrants on the treasury for the same.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform you that the Council have passed House Bill No. 289, entitled "An Act repealing certain laws."

Also, passed House Bill No. 292, with amendment, in which your concurrence is asked.

Amendment—strike out Sec. 6.

A. SMITH DEVENNEY,
Secretary of Council.

Messages from the Council:

Mr. Speaker—I am directed to inform you that the Council has passed House Bill No. 318, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Speaker—I am directed to inform you that the Council has passed House Bill No. 234, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Speaker—I am directed to inform the House of the passage of House Bill No. 299, by the Council, with the following amendments, in which your concurrence is invited:

AMENDMENTS.

Strike out the two last Sections.

In the first Section strike out "Richardson" and insert "Wabaunsee."

Add the following Section:

Sec. 15. Nothing in this Act shall be so construed as to conflict with any special Act passed at the present session of the Legislative Assembly upon the location of county seats.

Strike out all referring to Chase and Wise Counties.

A. SMITH DEVENNEY,
Secretary of the Council.

Mr. Speaker—I am instructed to inform the House of Representatives, that the Council has passed House Bill No. 300, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Speaker—I am directed to inform the House of Representatives that the Council has passed House Bill No. 307, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Speaker—I am instructed to inform the House of Representatives that the Council concurs in all the amendments of the House to Council Bill No. 36, except the addition of Section 4, for which Section the Council offers a substitute:

Sec. 4. An election may be held at the next general election for Members of the Legislative Assembly, for the permanent seat of justice of said county, under the provisions of the general election law passed at the present session, and the place receiving a majority of all the votes cast shall be the permanent seat of justice for said county. And if no place shall receive such majority, then another election shall be held at the next succeeding general election, at which the two places previously receiving the highest number of votes, shall alone be voted for, and the Probate Judge of said county shall, within ten days after each election, by proclamation, declare the result.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Canniff, from Committee on Enrollment, submitted the following report:

The Joint Committee on Enrollment have examined the following House Bills and find them correctly enrolled, and have presented the same to the Governor for his consideration:

No. 17, "An Act providing for the incorporation of turnpike road companies."

No. 313, "An Act supplementary to 'An Act to provide for the organization, supervision and maintenance of common schools.'

No. 314, "An Act to incorporate the Rock Creek Bridge Company."

No. 282, "An Act to incorporate the first United Presbyterian Congregation of Leavenworth City."

No. 139, "An Act concerning the plats of cities and towns."

No. 239, "An Act to incorporate a Ferry across the Big Blue River at the town of Oketo."

No. 297, "An Act to prevent the mutilation or alteration of Acts and Bills."

No. 310, "An Act authorizing Abraham Barry to keep a Ferry across the Republican River at the town of Bachelder."

No. 224, "An Act to incorporate the Steam Ferry Boat Company of Iowa Point."

No. 247, "An Act to incorporate the Kansas Central Telegraph Company."

No. 315, "An Act regulating inclosures."

No. 180, "An Act to incorporate the Americus Cemetery Association."

No. 216, "An Act declaring a certain road a Territorial road."

H. J. CANNIFF, Chairman.

On motion of Mr. Roberts, of Leavenworth, it was ordered that the report of the Docket Clerk be printed.

Council Bill No. 208, "An Act temporarily locating the county seats of Wise and Chase Counties," was

Read a second and third time and passed.

The title was agreed to.

Mr. Dickerson introduced House Bill No. 322, "An Act supplemental to an Act entitled 'An Act authorizing certain counties to issue county bonds.'"

The rules being suspended, the Bill was read a second and third time and passed.

The title was agreed to.

The House concurred in the amendments of the Council to House Bill No. 299.

Council Bill No. 206, "An Act repealing an Act entitled 'An Act supplemental to 'An Act providing for the apportionment of the Territory for the Fifth Legislative Assembly,'" was taken up.

The question being on the suspension of the rules for the second reading of the Bill,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Barry, Branscomb, Bailey, Canniff, Curtiss, Clark, Danford, Graham of Nemaha, Hovey, Lewis, Lynde, Lockhart, McDowell, Marsh, Roberts of Leavenworth, Stevenson, Spriggs, Silvers, Townsend, Vaile, Woodward, Walters—21.

The gentlemen voting in the negative were Messrs. Dickerson, Graham of Doniphan, Mitchell, Morrow—4.

Carried.

The Bill passed.

The title was agreed to.

The House concurred in amendments of Council to Council Bill No. 36, "An Act to locate the county seat of Coffey County."

Council Bill No. 149, "An Act regulating the fees of officers," was

Read a second and third time and passed.

The title was agreed to.

Mr. Canniff, from Committee on Enrollment, submitted the following report:

The Joint Committee on Enrollment have examined the following House Bills and find them correctly enrolled, and have presented the same to the Governor for his consideration:

No. 200, "An Act to incorporate the Osage River Bridge Company."

No. 311, "An Act to change the name of Calhoun County."

No. 306, "An Act to incorporate the Cherry Creek Bridge and Ferry Company."

H. J. CANNIFF, Chairman.

Mr. Danford offered the following resolution:

Resolved, That Byron P. Ayers, Clerk of this House, be allowed the sum of six hundred dollars for copying and transcribing the Journal of this House for the present session.

Adopted.

Message from the Council:

MR. SPEAKER—I am instructed to inform the House of Representatives that the Council have passed the following concurrent Resolution, in which your concurrence is solicited:

Resolved, By the Council, the House of Representatives concurring, that the Codifying Commissioners, appointed at the present session of the Legislative Assembly, shall receive each, in addition to the amount provided in the resolution creating the commission, three dollars per day for the time they have been engaged in discharging the duties of their appointment, and the Clerks shall receive two dollars per day each, in addition to the amount named in said resolution.

A. SMITH DEVENNEY,
Secretary of Council.

The House concurred in the resolution.

On motion of Mr. Larzelere, the House non-concurred in the first amendment of the Council to House Bill No. 235, said amendment being to strike out the appropriation of two hundred dollars for stationery and postage of Territorial Superintendent of Public Schools; also, non-concurred in the amendment of Council, striking out the appropriation to pay the scrip of the Leavenworth Constitutional Convention. The other amendments of the Council to the Bill were concurred in.

Mr. Curtiss introduced House Bill No. 323, "An Act to establish peace in Kansas."

The rules being suspended, the Bill was

Read a second and third time.

The question being, "Shall the Bill pass?"

The gentlemen voting in the affirmative were Messrs. Branscomb, Bailey, Canniff, Curtiss, Danford, Graham of Doniphan, Graham of Nemaha, Holaday, Irvin, Lockhart, McDowell, Mitchell, Marsh, Morrow, Roberts of Leavenworth, Scott, Spriggs, Wright, Weider—19.

The gentlemen voting in the negative were Messrs. Barry, Clark, Finch, Lewis, Lynde, Stevenson, Silvers, Townsend—8.

So the Bill passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am instructed to inform the House of Representatives that the Council has passed Council Bill No. 209. Your concurrence is solicited.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Speaker—I am directed to inform the House of Representatives that the Council insist on its amendments to House Bill No. 235, and ask a Committee of Conference to confer immediately—Council Committee, Messrs. Learnard and Challis.

A. SMITH DEVENNEY,
Secretary of Council.

Messrs. Branscomb, Clark and Lynde, were appointed on the Committee of Conference.

REPORT FROM THE CODIFYING COMMISSIONERS.

Office Codifying Commissionesrs,
February 11, A. D., 1859.

To the Legislative Assembly:

The labors of the Codifying Commissioners have come to a close. A schedule of the Acts submitted by them to the Legislature for its action, was transmitted to each House on the 9th inst, which shows that the whole number of Acts submitted is sixty-six. Many of them were very voluminous and required much care and time in their preparation. The time within which the Commissioners were required to finish their labors, was feared by many, to be insufficient, yet the task has been completed, but whether in a creditable manner or not remains to be determined. It is deemed unnecessary to advert to the particular Acts submitted, or to the alterations in those which were revised or amended, and as many amendments have been made in either House, after passing out of the hands of the Commissioners, it would be out of their power to note these amendments if they wished.

The enactments of the Legislature of 1855, known as the "Bogus Statutes," have been supplied, and are ready for repeal—a consummation long looked for and earnestly desired by a large portion of the people of the Territory. The general laws of 1857 are ready for the same fate. The laws of 1858, to which we were confined as a basis, have been revised and supplied. The code of civil procedure remains substantially the same. The code of criminal procedure of 1858, is materially altered, and, it is to be hoped, materially improved. The laws relating to county organization and county officers, township organization and township officers, the law of administrators and the school law, have been carefully revised, but not altered in any of their material features, while, in some instances, laws entirely new to the people of the Territory have been introduced, and old ones supplied by those of a more simple character.

It would not be reasonable to expect that the commissioners could present, from time to time, for your action, a system of laws complete and perfect in every particular, within the short period of thirty days, and they must ask the indulgence of the Legislature and the people, for the errors and imperfections which will doubtless be discovered in their work.

In laying down the trust which has been reposed in them, the commissioners take this occasion to return to each branch of the Legislature their grateful acknowledgment for the confidence and respect invariably shown them, and the courteous manner in which they have been treated by the individual members.

Respectfully submitted.

WILLIAM McKAY,
E. S. LOWMAN,
J. McCAHON.

AFTERNOON SESSION.

TWO O'CLOCK.

Mr. Vaile offered the following resolution:

Resolved, That the Secretary of the Territory be requested to allow T. R. Points pay for the full time of the term, and that the Clerk of the House be authorized to certify to the time of the same.

Adopted.

House Bill No. 225, "An Act to establish a ferry across the ———," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 176, "An Act divorcing Alvin Winants and Maria P. Winants," was

Read a second and third time and passed.

The title was agreed to.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 11, 1859.

To the Honorable Speaker of the House of Representatives:

SIR:—I have this day approved House Bills Nos. 288, 124, 293, 184, 173, 216, 310, 314, 139, 17, 180, 297, 247, 239, 315 and 200. Respectfully,

S. MEDARY.

House Bill No. 292, "An Act supplemental to an Act entitled 'An Act for the payment and adjustment of claims,'" was taken up.

Mr. Lewis moved that the House non-concur in the amendments of Council to the Bill.

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Bailey, Canniff, Clark, Dickerson, Finch, Graham of Doniphan, Graham of Nemaha, Holaday, Irvin, Lewis, Lynde, McDowell, Points, Stevenson, Spriggs, Silvers, Townsend, Vaile, Woodward, Walters—21.

The gentlemen voting in the negative were Messrs. Branscomb, Curtiss, Danford, Lockhart, Mitchell, Marsh, Morrow, Roberts of Leavenworth, Scott, Wright—10.

Carried.

Council Bill No. 159, "An Act for the organization of the Library of the Territory, and to provide for the appointment of a Librarian," was

Read a second and third time and passed.

The title was agreed to.

Message from the Council:

Mr. Speaker—I am instructed to inform you that the Council have agreed to the report of the Conference Committee on House Bill No. 235, making appropriations, &c., and the Bill is herewith returned.

Also, passed House Bill No. 323, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

The House agreed to the report of the Conference Committee on House Bill No. 235.

Message from the Council:

Mr. Speaker—I am instructed to inform the House of Representatives that the Council has passed House Bill No. 322, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Canniff, from Committee on Enrollment, submitted the following report:

The Joint Committee on Enrollment, have examined the following Bills, and find them correctly enrolled, and have presented the same to the Governor:

No. 234, "An Act incorporating the Grand Lodge of the I. O. O. F. and subordinate lodges."

No. 159, "An Act to incorporate the Humboldt Bridge Company."

No. 307, "An Act to establish a ferry across the Missouri river at Leavenworth City."

No. 318, "An Act to provide for the organization of Butler county."

No. 289, "An Act repealing certain laws."

No. 300, "An Act regulating contested elections."

No. 308, "An Act to locate a Territorial Road."

H. J. CANNIFF, Chairman.

Council Bill No. 110, "An Act to divorce C. A. Wright and Maria Wright, and Horatio F. Bardwell and Susan D. Bardwell," was

Read a second time.

The question being on the suspension of the rules to put it upon its third reading,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Barry, Branscomb, Canniff, Curtiss, Danford, Finch, Holaday, Irvin, Lewis, Lockhart, McDowell, Mitchell, Morrow, Roberts of Leavenworth, Scott, Spriggs, Vaile, Walters—19.

The gentlemen voting in the negative were Messrs. Bailey, Dickerson, Graham of Doniphan, Graham of Nemaha, Hovey, Lynde, Marsh, Stevenson, Silvers, Townsend, Wright, Woodward —12.

A two-third vote being required to suspend the rules, the motion was lost.

Message from the Council:

Mr. Speaker—I am instructed to inform the House of Representatives, that the Council has passed Council Bill No. 202, and request your concurrence therein.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Lewis offered the following resolution:

Resolved, That Robert Spear, the Messenger of this House, be allowed for his services the sum of three dollars per day during the session.

Adopted.

Mr. Danford offered the following resolution:

Resolved, That the Assistant Journal Clerk of this House be allowed compensation for twenty-eight (28) days services, the same being the number of days actually employed by the Assistant Journal Clerk, in the service of this House.

Adopted.

Mr. Canniff, from Committee on Enrollment, submitted the following report:

The Joint Committee on Enrollment have examined the following House Bills, find them correctly enrolled, and have presented the same to the Governor:

No. 299, "An Act to provide for the location of certain county seats."

No. 322, "An Act supplemental to an Act authorizing certain counties to issue bonds and for other purposes."

No. 90, "An Act establishing a ferry across Big Blue river."
No. 323, "An Act to establish peace in Kansas."

H. J. CANNIFF, Chairman.

Mr. Curtiss offered the following resolution:

Resolved, That the Assistant Clerk of this House be allowed five dollars per day, during this session of the Legislature.

Adopted.

Mr. Stevenson introduced House Bill No. 224, "An Act locating a Territorial Road from Iowa Point to Lawrence."

On motion of Mr. Morrow, the Bill was indefinitely postponed.

House Bill No. 269, "An Act to establish the township of Franklin," was indefinitely postponed.

Mr. Lynde from Committee on Public Roads, reported back Council Bill No. 178, "An Act locating certain Territorial Roads," and recommended its passage.

Council Bill No. 209, "An Act supplemental to an Act to apportion the Council Districts of the Territory," was taken up.

Mr. Bailey offered the following amendment:

And both of said counties are hereby attached to the twenty-third Representative District.

Carried.

The Bill was read a second and third time and passed.

The title was agreed to.

EVENING SESSION.

SEVEN O'CLOCK.

Council Bill No. 172, on motion of Mr. Wright, was amended in section 3, by striking out the word "judgment" in line first; also in the same line after the word "providing" insert the words "proceeding and pending in said Probate court shall be;" also strike out section 8.

The Bill as amended was passed.

The title was agreed to.

House Bill No. 283, "An Act to incorporate the Arkansas and Smoky Hill Fork Water Power Company," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 110, "An Act divorcing Chas. A. Wright and Maria A. Wright, also Horatio F. Bardwell and Susan D. Bardwell," was

Read a second and third time and passed.

The title was agreed to.

House Bill No. 237, "An Act to authorize a bridge across the Wakarusa," was

Read a second and third time and passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council recedes from its amendments to House Bill No. 292, "An Act supplementary to an Act entitled 'An Act to provide for the payment of claims.'"

In haste, but very respectfully,
A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council have passed Council Bill No. 145. Your concurrence is respectfully invited.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

MR. SPEAKER—I am directed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 214, "An Act to pardon John Sullivan." Your concurrence is respectfully solicited.

Also, the Council has concurred in amendments made by the House to Council Bill No. 209.

Also, passed Council Bill No. 215, "An Act to incorporate the Palermo City Town Company."

A. SMITH DEVENNEY,
Secretary of Council.

House Bill No. 320, "An Act divorcing William Whitehead from his wife Philcoma Whitehead," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 215, "An Act to incorporate the Palermo Town Company," was

Read a second and third time and passed.

The title was agreed to.

Council Bill No. 178, "An Act to establish certain Territorial roads," was

Read a second and third time, and indefinitely postponed.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 11, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bills Nos. 273, 275, 308, and 323, to establish peace in Kansas.

Respectfully,

S. MEDARY.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 11, 1859.

To the Honorable Speaker of the House of Representatives:

SIR:—I have this day approved House Bills Nos. 90, 322, 234, 159, 300, 307, 318, 306, 224, 282, 290 and 276.

Respectfully,

S. MEDARY.

Council Bill No. 214, "An Act to pardon John Sullivan," was

Read a second and third time and passed.

The title was agreed to.

Mr. Wright introduced House Bill No. 325, "A Joint Resolution requesting the Governor to issue a Proclamation."

The Bill was read a second and third time and passed.

The title was agreed to.

Message from the Council:

MR. SPEAKER—I am instructed by the Council to inform your Honorable Body that the Council has passed Council Bill No. 217. Your concurrence is respectfully solicited.

A. SMITH DEVENNEY,
Secretary of the Council.

Council Bill No. 217, "An Act regulating the interest of money," was taken up.

Mr. Barry offered the following amendment:

"Interest at any rate not exceeding fifteen per cent. per annum."

Upon which, the yeas and nays being demanded,

The gentlemen voting in the affirmative were Messrs. Barry, Danford, Dickerson, Finch, Graham of Nemaha, Hovey, Lewis, Lynde, Lockhart, Mitchell, Points, Roberts of Leavenworth, Silvers, Vaile, Wright, Weider, Walters—17.

The gentlemen voting in the negative were Messrs. Allison, Branscomb, Bailey, Canniff, Curtiss, Clark, Graham of Doniphan, Holaday, Holmes, Irvin, McDowell, Marsh, Morrow, Medill, Scott, Stevenson, Spriggs, Townsend—18.

Lost.

The question being "Shall the Bill pass?"

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs. Allison, Branscomb, Bailey, Canniff, Curtiss, Clark, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Holmes, Irvin, McDowell, Marsh, Morrow, Medill, Roberts of Leavenworth, Scott, Stevenson, Spriggs, Weider, Walters—23.

The gentlemen voting in the negative were Messrs. Barry, Danford, Lewis, Lynde, Lockhart, Mitchell, Points, Silvers, Townsend, Vaile, Wright—11.

So the Bill passed.

The title was agreed to.

Council Bill No. 202, "An Act repealing an Act entitled 'An Act authorizing the Judge of the Second Judicial District to hold a special term of court, and for other purposes,'" was

Read a second and third time and passed.

The title was agreed to.

Messages from the Council:

Mr. Speaker—I am instructed to inform the House of Representatives that Council concurs in House amendments to Council Bill No. 172.

Also, passed House Bill No. 320, "An Act divorcing William Whitehead and his wife Rhoda Jane Whitehead."

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Speaker—I am directed by the Council to inform your

Honorable Body that the Council has passed House Bill No. 283, without amendment.

A. SMITH DEVENNEY,
Secretary of Council.

MR. SPEAKER—I am instructed to inform you that the Council has passed House Bill No. 324. Also, Joint Resolution, House Bill No. 325.

A. SMITH DEVENNEY,
Secretary of Council.

MR. SPEAKER—I am instructed to inform the House of Representatives that the Council desires to recall House Bill No. 292.

A. SMITH DEVENNEY,
Secretary of Council.

On motion of Mr. Marsh, the Enrolling Clerk was instructed to return said House Bill No. 292 to the Council.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 11, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bills No. 235, "An Act making appropriations for the expenses of the Territory of Kansas for the year 1859;" 266, 304, 22.

Respectfully,
S. MEDARY.

House Bill No. 209, "An Act to incorporate the Wyandott and Osawatomie Railroad Company," was

Read a second and third time and passed.

The title was agreed to.

Mr. Hovey introduced House Bill No. 326, "An Act to establish a Territorial road from the Missouri State line to Minneola."

Mr. Morrow moved that the Bill be indefinitely postponed. Lost.

The question being upon the suspension of the rules,

The yeas and nays were demanded.

The gentlemen voting in the affirmative were Messrs Barry, Canniff, Curtiss, Danford, Finch, Graham of Doniphan, Graham of Nemaha, Hovey, Holaday, Lewis, Lynde, Lockhart, McDowell, Mitchell, Marsh, Morrow, Medill, Roberts of Leavenworth, Spriggs, Wright, Weider, Woodward, Walters—23.

The gentlemen voting in the negative were Messrs. Allison, Bailey, Holmes, Irvin, Points, Scott, Stevenson, Silvers, Townsend—9.

So the rules were suspended.

The Bill was read a second and third time and passed.

The title was agreed to.

Mr. Graham, of Nemaha, offered the following resolution:

Resolved, That Dr. Canniff be paid fifty dollars for his extra services on the Committee for the enrolling of Bills.

Adopted.

Mr. Curtiss offered the following resolution:

Resolved, That the First Assistant Enrolling Clerk of this House be allowed pay for thirty days, being the time actually employed.

Adopted.

Mr. Spriggs offered the following resolution:

Resolved, That the thanks of this House be tendered to the officers of this house, without distinction, for the very able and impartial manner in which they have discharged their respective duties.

Adopted.

Message from the Council:

Mr. Speaker—I am directed to inform you that the Council has receded from its former amendments to House Bill No. 292.

A. SMITH DEVENNEY,
Secretary of Council.

Message from the Council:

Mr. Speaker—I am directed to inform you that the Council has passed House Bill No. 326. Also, Joint Resolutions.

A. SMITH DEVENNEY,
Secretary of Council.

Council Bill No. 153, "An Act to incorporate the Stranger Creek Bridge Company," was

Read a second and third time and passed.

The title was agreed to.

Mr. Danford offered the following resolution:

Resolved, By the House of Representatives, the Council concurring, that we will meet in joint session, in the House of Representatives, at 11 o'clock this P. M., for the election of an

Attorney, as contemplated in the Act supplemental to an Act providing for the payment of claims.

Adopted.

Mr. Roberts, of Leavenworth, offered the following resolution:

Resolved, By the Council and House of Representatives, (the Council concurring,) that Wm. Butler be allowed three dollars per day for each day actually employed in the service of the two Houses.

Adopted.

On motion of Mr. Roberts, of Bourbon, the House proceeded to the election, *viva voce*, of a Commissioner, under the law for the payment and adjustment of claims.

Samuel A. Kingman, of Brown county, was duly elected.

On motion of Mr. Branscomb, House Bill No. 186, "An Act to incorporate the Kansas Turnpike Company," was taken up.

On motion of Mr. Curtiss, the Bill was indefinitely postponed.

Messages from the Governor:

EXECUTIVE OFFICE, K. T.,
February 11, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bills Nos 325, 283 and 326.

Respectfully, S. MEDARY.

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 11, 1859.

To the Honorable Speaker and House of Representatives:

SIR—I have this day approved House Bills Nos. 313, 311, 320, 237, 289 and 292.

Respectfully,
S. MEDARY.

Mr. Canniff, from Committee on Enrollment, submitted the following report:

The Joint Committee on Enrollment have examined the following Bills, and find them correctly enrolled, and have presented the same to the Governor:

House Bills No. 326, "An Act to establish a Territorial Road from the State Line of Missouri to Minneola."

No. 284, "An Act to incorporate the Arkansas and Smoky Hill Water Power Company."

No. 324, "An Act to appropriate $1,500 for the payment of the Grand Jurors and Witnesses of the special term of court, called January 31, 1859.

No. 325, "Joint resolution requesting the Governor to issue a proclamation."

No. 237, "An Act to authorize a bridge across the Wakarusa."

No. 292, "An Act supplemantal to an Act entitled 'An Act to provide for the payment of claims.'"

No. 235, "An Act making appropriations for the expenses of the Territory of Kansas, for the year 1859."

H. J. CANNIFF, Chairman.

Mr. Danford offered the following resolution:

Resolved, That the thanks of this House be and are hereby tendered to Messrs. McKay, McCahon and Lowman, for the able manner in which they have discharged their arduous and laborious duties as Codifying Commissioners.

Adopted.

Mr. Holaday offered the following resolution:

Resolved, That the thanks of this House are extended to the Sergeant-at-Arms for the able and efficient manner in which he has discharged his duties.

Adopted.

On motion of Mr. Wright, the Governor was requested to return House Bill No. 299, to the House.

The Bill being returned, the vote by which it was passed and the title was agreed to, were reconsidered.

The Bill was then amended by striking out all that portion relative to Breckenridge county.

The Bill, as amended, was passed.

The title was agreed to.

JOINT CONVENTION.

The Council now met the House, in Joint Convention, to elect an Attorney for the Territory, under the Act for the payment and adjustment of claims.

The Convention proceeded to ballot for an Attorney, with the following result:

FIRST BALLOT.

William McKay	had	21 votes.
E. S. Lowman	"	4 "
R. Graham	"	11 "
A. C. Davis	"	6 "
J. C. Stinson	"	1 "
W. Shannon	"	1 "
Lozenzo Dow	"	1 "

No election.

SECOND BALLOT.

William McKay	had	31 votes.
R. Graham	"	6 "
A. C. Davis	"	6 "
E. S. Lowman	"	2 "

Mr. McKay, having received a majority of all the votes cast, was declared duly elected.

Convention adjourned, *sine die.*

The House, having re-assembled, Mr. Allison offered the following resolution:

Resolved, That the thanks of this House be tendered to the citizens of Lawrence for the kind treatment shown them during the session.

Adopted.

Message from the Governor:

EXECUTIVE OFFICE, KANSAS TERRITORY,
February 11, 1859.

To the Honorable Speaker of the House of Representatives:

SIR—I have this day approved House Bills Nos. 203, 324 and 189.

Respectfully,
S. MEDARY.

Mr. Roberts, of Leavenworth, offered the following resolution:

Resolved, That a Committee of two members be appointed to inform the Governor that the House is ready to adjourn, and to ask him if he has any further communications to make.

Adopted.

Messrs. Roberts, of Leavenworth, and Branscomb, were appointed as that Committee.

Mr. Lockhart offered the following resolution:

Resolved, That this House extend thanks to His Excellency, the

Governor, for his unbiassed and dignified treatment of the House of Representatives.

Adopted.

Message from the Council:

Mr. Speaker—I am instructed to inform the House of Representatives that the Council refuses to concur in the amendments of the House to House Bill No. 299.

A. SMITH DEVENNEY,
Secretary of Council.

Mr. Bailey moved that the House recede from its amendments to House Bill No. 299. Lost.

Mr. Danford offered the following resolution:

Resolved, That five dollars be allowed T. D. Thacher & Co. for incidental printing.

Adopted.

Mr. Roberts, from Select Committee to wait on the Governor, reported that His Excellency had no further communication to make to the House.

On motion of Mr. Branscomb, the thanks of the House were returned to the Speaker, for the able, impartial and courteous manner in which he has presided during the session.

Adjourned.

A. LARZALERE,
Speaker of the House of Representatives.

B. P. AYERS,
Clerk.